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Republic of Korea

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I. Introduction

1. Entering its third cycle in 2017 after its inception in 2008, the Universal Periodic Review (UPR) has become a platform where all United Nations (UN) member states review human rights records and hold constructive dialogue to discuss ways to improve human rights, one of the three pillars of the UN. The Republic of Korea (ROK), a member of the UN Human Rights Council (HRC) and having served the presidency of the Council in 2016, welcomes the central role of the UPR in the HRC. The Government of the Republic of Korea (ROK) will continue to commit to promoting and protecting international human rights as a responsible member of the international community.

2. The new administration took office on 9 May 2017, having placed the human rights protection a centrepiece of the state affairs and announced on 19 July one hundred specific policy tasks which include ways to materialize the policies. The tasks contain reinforcing freedom of expression and the independence of the press to uphold democratic principles; strengthening independence and competence of the National Human Rights Commission of Korea (NHRCK); prohibiting discrimination across all sectors of the society; cementing the rights to labour, to social security, to education and to health; and contributing to democracy and the human rights protection in the world, particularly in Asia. As of August 2017, the Government is drafting specific plans to implement these tasks.

3. After the second UPR in October 2012, the Government disclosed the outcome report of the HRC to the public. In August 2013, the Government ministries participated in a review and task selection session in its effort to incorporate the UPR recommendations into specific policy tasks, and reflected the result in the National Action Plan for Human Rights (NAP), which had been implemented since 2012.

II. Methodology and consultation process

4. This national report was drafted by the Ministry of Justice through consultation and cooperation with 12 Government ministries and agencies. In the process of drafting this national report, the Ministry of Justice held a public consultation meeting with representatives from civil society groups along with relevant ministries, the NHRCK, and discussed how to incorporate recommendations in the previous UPR and proposals of the civil society groups. The Ministry of Justice also posted the draft national report on its homepage to gather opinions from the general public. Certain proposals from the civil society and the general public have been reflected in this national report. The Government intends to take the proposals for policy changes from the civil society into consideration during the process of policy making and implementation.

5. Following the second UPR, which resulted in a total of 70 clustered recommendations, the Government held a meeting to collect the opinions of civil society before deciding on the acceptance of the recommendations, and finalized its position on recommendations at the National Human Rights Policy Council after the inter-ministerial consultations. In November 2014, the Government provided its response on the policy proposal by the civil society groups regarding the implementation of the UPR recommendations. Based on this response, a consultation meeting to discuss the UPR implementation was held in March 2015 with representatives from ten Government ministries and agencies, the NHRCK and ten civil society groups.

6. Based upon these consultations of relevant stakeholders, the Government submitted its voluntary mid-term report to the UNHRC on the implementation status of the recommendations made in the second UPR. The public interest and understanding of the UPR grew a great deal, as suggested by the symposium on the implementation of the UPR

recommendations held jointly by the Korean Bar Association and the civil society groups. (Recommendation 15)

III. Implementation of recommendations from the second Universal Periodic Review

A. Acceptance of the international human rights norms and mechanisms

7. The Republic of Korea is a State party to a number of key international human rights treaties, and has accepted the right to individual complaints under four human rights treaties. The Government extended a standing invitation to all thematic special procedures in 2008, following voluntary pledges provided upon the candidacy for one of the first members of the HRC. The Government has held candid and constructive dialogues with special procedures during country visits including the Special Rapporteur on freedom of expression in 2011; Special Rapporteur on the situation of human rights defenders in 2013; Special Rapporteur on racial discrimination in 2014; Special Rapporteur on toxic wastes in 2015; and Special Rapporteur on peaceful assembly and association; and the Working Group on business and human rights in 2016. The Government further supported the Working Group on Enforced or Involuntary Disappearances to hold the 111th session in Seoul. (Recommendation 16, Mid-term report)

8. As for the treaties that the Republic of Korea has not ratified, the government-commissioned research projects have been carried out on the *Convention on the Protection of All Persons from Enforced Disappearance* and the *Optional Protocol to the Covenant on Economic, Social and Cultural Rights*. Regarding the *Optional Protocol of the Convention against Torture*, the Government continues research on international and domestic norms concerning the definition and the scope of detention, etc., as part of its study on the necessity of amending domestic law and the scope of the amendment deemed necessary. (Recommendations 1, 2, 3, 4, 6)

9. The Government considers that the *International Convention on the Protection of the Rights of All Migrant Workers* and the ILO *Convention Concerning Decent Work for Domestic Workers* are significantly incompatible with domestic law. The ratification of the *Second Optional Protocol to the International Covenant on Civil and Political Rights* is premature at the moment, as it is a matter closely linked to the abolition of death penalty. Meanwhile, the ratification of the ILO's four fundamental conventions concerning freedom of association and prohibition of forced or compulsory labour have not proceeded owing to a number of discrepancies with domestic law and the administrative practice that is far from what is stipulated in the Conventions. However, the new administration which took office in 2017 plans to reform labour-related institution and practices including labour-management relations to create a society that respects labour, taking special note of ensuring basic labour rights to meet the international standard by actively pushing forward the ratification of those four fundamental conventions. (Recommendations 1, 5, 7, 35)

10. The inter-ministerial consultations have been carried out on the withdrawal of the reservations to Article 21 paragraph (a) of the *Convention on the Rights of the Child* pertaining to adoption, as the revisions were made on the related legislations and the process for withdrawal of the reservation is underway. On the other hand, the amendment was made in March 2014 on Article 732 of the *Commercial Act*, which prohibited life insurance contracts for persons with disabilities, but the Committee on the Rights of Persons with Disabilities expressed that such amendment is still inconsistent with the *Convention on the Rights of Persons with Disabilities*, which called for the need to re-examine the withdrawal of the reservations. (Recommendations 10, 11, 12)

11. The second NAP, the blueprint for the Government's human rights policy, which spans from 2012 to 2016, has been completed. The Government plans to establish the third NAP this year, which will be attuned to the new administration's human rights policy and the one hundred policy tasks. A public hearing was held to gather proposals of the civil society and experts. The third NAP will be adopted at the National Human Rights Policy Council after developing specific tasks that incorporate the new administration's agenda and holding further consultation with civil society. The external advisory panel, which monitors and assesses the progress of the NAP, was reorganized in 2013 to include representatives of civil society groups and experts. (Recommendation 15)

12. To bolster the status of the NHRCK, the *National Human Rights Commission of Korea Act* was amended in February 2016, which ensures transparency in nomination and election process and diversity of human rights commissioners, and stipulates the functional immunity for any remarks or decision in the course of performing their duties. The NHRCK is making efforts to achieve diversity in the commissioners by setting guidelines on the election of commissioners and recommending the appointing institutions to follow them. The NHRCK also announces the vacancy of a commissioner, receives recommendations of candidates from the public, and delivers the list to the appointing authorities. (Recommendation 14)

13. In August 2014, the NHRCK newly established the Child and Youth Rights Division which is exclusively in charge of the rights of children and composed the committee on the rights of children in May 2016, reinforcing the independent monitoring of implementation of *the Convention on the Rights of the Child*. In the meantime, the Government reconvened the Child Policy Coordinating Committee and regularly discussed the overall governmental policies on children. In 2015, the Coordinating Committee established and announced the first basic plan for child policy. (Recommendations 17, 18, 19)

14. Under the *Framework Act on International Development Cooperation*, the official development assistance (ODA) is provided for the fundamental purpose of reducing poverty in developing countries; promoting the rights of women, children and persons with disabilities; achieving gender equality; and realizing sustainable development and humanitarianism. The Republic of Korea spent a total of USD 1.92 billion on ODA in 2015, which is 0.14 percent of its GNI, and the expenditure increased by an annual average of 10.2 percent between 2011 and 2015. Through the Second Basic Plan for International Development Cooperation from 2016 to 2020, the Government intends to increase its ODA share of GNI to 0.2 percent by 2020, and to 0.3 percent, the average of the DAC members, by 2030. (Recommendation 70)

B. Principle of equality and non-discrimination

15. The Constitution, the National Human Rights Commission of Korea Act, and 90 other legislations prohibit discrimination in a number of sectors based on various grounds, including sexual orientation and gender identity. Since 2006, the Government collected various opinions and continued with its research for the sake of legislative integrity in an effort to enact general anti-discrimination laws. Nevertheless, legislative procedure did not proceed, as a number of legislative bills proposed by the Government and lawmakers did not make it to the discussion at the National Assembly and were discarded upon expiration of the term. In 2013, the Government presented the enactment of anti-discrimination act as one of the policy tasks, organizing a working group to undertake the enactment of the law and conducting research on foreign legislations and precedents. Nonetheless, legislative process has been stagnant because of social controversy related to prohibited grounds of discrimination such as sexual orientation. The Government will carry on research and

review a number of issues pertaining to the general anti-discrimination law and listen to public opinion. (Recommendations 21, 22, 23, 24, 30, 33)

16. The Government shifted the paradigm of policy on women to gender mainstreaming, aiming at achieving gender equality by more effective use of the policies that had been in place, including Gender Impact Analysis and Assessment, Gender Budget and Gender Statistics. The Committee on Gender Equality has been tasked with duties including coordination, cooperation, and execution of policies on gender equality by central government and local government. A new obligation on the ODA to make efforts to encourage equal participation of both genders and to develop measures to ensure gender equality in the programs was introduced. (Recommendations 25, 26)

17. To tackle racial discrimination and xenophobia, the Government is actively pursuing policies to prohibit discriminatory practices against and to protect human rights of foreigners by means of education and promotional activities under the *Act on the Treatment of Foreigners in Korea*. The ROK also legislated the *Protection and Promotion of the Diversity of Cultural Expressions Act* in 2014 to implement the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, to which the Republic of Korea acceded. Meanwhile, the Korea Communications Standards Commission (KCSC), established in accordance with the *Act on the establishment and operation of Korea Communications Commission*, independently performs its duties, carrying out impartial review in line with the prescribed regulations and procedures. Furthermore, the KCSC carries out a review on broadcasts inciting prejudice and making derisive or disparaging remarks against persons of a certain racial profile, and imposes sanctions on broadcasters violating the related provisions. The KCSC carries out the same function regarding racial discriminatory expressions on the internet in accordance with the Review Regulations on Internet and Telecommunications. Along with these efforts, the KCSC published guidelines on media language and provided periodic education for broadcasting stations to use it for review. (Recommendation 30)

18. The crime of indecent act stipulated under Article 92-6 of the *Military Criminal Act* does not intend to impose criminal punishment by reason of one's sexual orientation, but is set out to uphold military order and discipline, taking into account the nature of communal living in barracks. The Constitutional Court has also ruled several times in favour of the constitutionality of the concerned provision for this reason. Nonetheless, an amendment bill to abolish the provision has been submitted to the National Assembly and the Ministry of National Defence is considering the necessity of the amendment. (Recommendation 34)

C. Civil and political rights

Rights to life, liberty, and safety

19. The Republic of Korea is a *de facto* abolitionist country which has not executed capital punishment since December 1997. The actual abolishment of death penalty, however, merits comprehensive and careful consideration, as it requires a comprehensive review of the public opinion, legal perception, social reality, the function of criminal policy, and the entire criminal punishment system with death penalty as the maximum penalty. The ratification of the *Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty* will be considered depending on whether or not the Government decides to abolish the death penalty or officially declare moratorium. (Recommendation 35)

20. The suicide rate in the Republic of Korea shows the highest rate among all OECD nations. However, the suicide rate is on downward trend thanks to proactive policy efforts of the Government, including the legislation of the *Act for the Prevention of Suicide and the*

Creation of Culture of Respect for Life in 2011, and prohibition of production and distribution of toxic herbicide such as parquet, which was frequently used by the elderly to commit suicide. The Government-led efforts to reduce the suicide rate include counselling and support for people at high risk of suicide through 241 mental health centres nationwide, counselling through suicide prevention lifelines available 24/7, and follow-up measures for people visiting emergency rooms due to failed attempt at committing suicide. Starting in 2018, the Government plans to impose greater accountability on local governments for suicide prevention by assessing the result of the suicide prevention plans put forward by the local governments.

21. The act of torture or cruel treatment is punishable under the *Criminal Act* and the special criminal act. The NHRCK conducts independent monitoring of torturous acts upon the complaints submitted by victims of torture, with various means including investigation, *ex officio* investigation and visits. In 2007, the Government of the Republic of Korea codified the right to have a lawyer be present during interrogation of a suspect, so as to prevent any human rights violations such as acts of torture during investigations. This has significantly driven up the participation rate of legal counsel during interrogations. The Government has also developed and operated human rights education programs tailored to different nature of duties of the prosecution, the police and the military. (Recommendations 3, 13, 16, 37)

22. While ensuring peaceful protests, the police hold on to the principle of strict response against violence in the protests. It educates the frontline police officers on human rights protection and rules compliance, and ensures they learn the manual on dealing with situations that could erupt during demonstrations. As for Mr. Baek, a farmer who was injured in a demonstration in November 2015 and died in September 2016, the prosecution is currently conducting investigation on the case, according to which the police will take corresponding measures. Furthermore, the police have organized the Police Reform Committee, consisting of experts from civil society groups and academia. The Inquiry Committee on Human Rights Violations by the Police was established under the Police Reform committee, which carries out inquiries on human rights abuses committed during the police response to demonstrations and investigations. The Inquiry Committee will look into the conditions and factors that contribute to occurrence of human rights violations, and take relevant measures such as improving the institutions and practices to prevent recurrence of human rights abuses. (Recommendation 36)

23. The *Special Act on the Support for Mine Victims* was enacted in 2014, and has been in force since 2015. Under the Act, the mine victims are supported by medical subsidies and compensation. As of February 2017, a total of 428 applications were filed, 135 of which were reviewed and KRW 4.7 billion was paid to 80 victims in the form of medical compensation and medical subsidies. Currently, 293 applications are under review and 55 applications were dismissed. (Recommendation 44)

Privacy, marriage and family relationship

24. A resident registration number is necessary as a basic scheme for improving the citizen's convenience and for administrative purposes. In December 2015, the Constitutional Court ruled that the previous practice of prohibiting the change of the resident registration number is incompatible with the Constitution, for it may extremely limit one's right to informational self-determination. The Government amended the relevant legislation in line with the decision made by the Constitutional Court, and change of the resident registration number became available through the review and decision by the Committee on Change of Resident Registration Number upon the request made by those who either have suffered damages including loss of life, bodily injury, property loss or sexual violence or are at the risk of such damages resulting from leaked information.

25. The *Act on the Promotion of Information and Communications Network Utilization and Information Protection* (hereinafter "Information and Communications Network Act") was revised in March 2016, tightening measures for deleting of and blocking access to leaked personal information. The amended Act also introduced punitive damages under which an organization responsible for the leakage of personal information either by intention or by negligence is subject to aggravated liability and has to pay for as much as three folds of the damages it inflicted and strengthened punishment for transfer of personal information abroad, which are defined in specified acts. The executive of a business in breach of the *Information and Communications Network Act* is to be charged with more accountability, and any profits obtained by crimes concerning personal information shall be confiscated or forfeited. The Government also amended the *Act on the Protection, Use, etc. of Location Information* in 2016 in an effort to tighten control over any attempt to misuse one's location information, by including an employee of a location information provider in the provision regarding the grounds for disqualification of holding access authority to personal information. These are all parts of the Government's effort to step up its privacy protection measures that emerge with the advancement of ICT.

26. The Government introduced the Comprehensive Plan to Prevent Domestic Violence in 2011, expanded the scope of institutions obliged to receive mandatory education on the prevention of domestic violence, and exerted its effort to raise awareness of domestic violence and its elimination. Police stations at all levels have been deployed with police officers exclusively in charge of domestic violence. The *Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence* was amended to strengthen the early response to domestic violence, granting the police with authority to enter the site of violence to investigate; allowing the victims or their legal representatives to request a protective order by the court; and imposing punishment on anyone who fails to comply with an urgent interim measures. The change of resident registration number has been allowed since May 2017, for the victims of sexual violence, domestic violence, or sex trade who either have been damaged or are at risk of damage from the leakage of resident registration number and this policy will further be complemented taking into account the needs of the victims of violence. Moreover, the Government will enact a comprehensive and general legislation for the prevention of gender-based violence. (Recommendations 27, 39)

Fundamental liberty: Freedoms of religion, expression, association, and peaceful assembly

27. Taking into consideration the unique security situation of the Korean peninsula and the equity of the military service system, the introduction of alternative service for conscientious objectors has to be preceded by public consensus and thorough discussion. Public discussion regarding the issue is underway, as the Constitutional Court held an open hearing regarding the matter, a legislative bill introducing alternative service for conscientious objectors has been submitted to the National Assembly and the relevant Ministry has also conducted a public opinion survey. (Recommendation 53)

28. The disposition of security surveillance is imposed on a person who has committed crimes that could harm the basic democratic order such as insurrection, and whose risk of repeating a crime has been recognized. The Government carries out objective and practical review on the risk of recidivism, on which a disposition is made, and thorough investigation on the prisoner, along with keeping diversity of the members of the deliberation committee on security surveillance disposition, so as to ensure that a probation decision is not arbitrarily made. (Recommendation 58)

29. The *National Security Act* (NSA) is strictly interpreted and applied in accordance with the rulings made by the Constitutional Court and the Supreme Court, in order to

prevent the abusive application of the Act. The application of the Act is strictly limited to the minimum necessary scope, which is to maintain the survival and safety of the nation as well as the basic liberal democratic order, so as not to unjustly limit the freedom of expression. The number of detained people for violating the NSA remains low, with only 26 in 2012, 38 in 2013, 7 in 2014, 26 in 2015, and 21 in 2016. (Recommendations 54, 55, 56, 57)

30. Freedom of expression on the internet is protected as much as possible in accordance with the Constitution and relevant laws. Article 44-2 under the *Information and Communications Network Act* stipulates that any information that violates other people's rights, such as the right to privacy or the right to reputation, is subject to *ad hoc* measures. Article 44-7 of the Act also prohibits the circulation of unlawful information, which may be rejected, suspended or restricted after the deliberation of the Communications Standards Commission. The Government has been carrying out tasks regarding *ad hoc* measures to enhance procedural fairness by proposing the amendment of the *Information and Communications Network Act*, to introduce the right of a publisher of information to file an objection to the *ad hoc* measure. (Recommendations 50, 51)

D. Economic, social and cultural rights

Fair and favourable labour conditions

31. The Government provides various training programs such as career consulting, career training, job adaptation training, job matching and follow-up management to address the employment rate of youth and women and to provide quality jobs. In particular, the Government has been carrying out the Employment Success Package Program since 2009 to assist the employment of low-income groups. As for the middle-aged and the elderly, the Government extended the retirement age to 60 by amending the *Employment Promotion for the Aged Act* in 2013 and has offered support scheme tailored for the middle-aged and the elderly to facilitate their re-employment. (Recommendation 60)

32. The minimum wage scheme applies to all kinds of businesses and workplaces except for businesses that only employ relatives living together with the employer, persons employed for housekeeping, and seafarers and ship owners subject to the *Seafarers' Act*. Since 2013, the Ministry of Employment and Labour has been prompting the Minimum Wage Council to raise the minimum wage to a reasonable level in light of economic growth and inflation to improve distribution of income. Recently, minimum wage was raised by 7–8% in the past few years and the Minimum Wage Council recently decided to increase minimum wage by 16.4% for the year 2018.

33. One of the most critical challenges in Korea's labour market is discrimination between regular workers and non-regular workers. The Government devised the Comprehensive Measures for Non-Regular Workers in 2011 and again at the end of 2014. As of August 2014, non-regular workers accounted for 32.4% of the total paid workers and the disparity in the working conditions between regular and non-regular workers are significant in terms of wage, subscription to social insurance, and the period of employment. Various efforts have been put in place including a minimum wage increase, expansion of social insurance subsidies to low-income non-regular workers, expansion of severance pay coverage for non-regular workers, encouraging the conversion of the status of non-regular workers to the regular status and prohibiting discriminatory practices against non-regular workers, strengthening the effectiveness of the discrimination correction system by expanding the scope of the corrective orders on discriminatory practices and by introducing punitive. The Government is also making efforts to improve the actual treatment and to protect basic working conditions for daily workers and workers provided by contracted firms. As a result, the total hourly wage of non-regular workers is on the rise,

and the wage of non-regular workers compared to that of regular workers has also improved from 61.3% in 2011 to 66.3% in 2016. The Government devised a plan in July 2017 to convert non-regular workers in public sector to regular workers, through which the overuse of non-regular employment for the purpose of cost reduction will be restricted. The Government will also devise a roadmap to prevent the overuse of non-regular employment and to improve treatment of non-regular workers in private sectors, with a view to achieving the Government's objective to foster a labour-respecting society.

34. As for the workers in special types of employment, who have not received sufficient legal protection due to their status and not recognized as a worker under the *Labour Union Act*, the court until now has determined whether a person is a worker on a case-by-case basis due to various types of work and the degree of the dependency to their employer. However, the need for legal protection has arisen as the number of workers in special types of employment grew and they are under either direct or indirect control of an employer depending on the type of work. In response to the calls for legal protection for workers in special employment, the Government has made policy efforts as to the detailing of unfair trade practices under the *Monopoly Regulation and Fair Trade Act*, the application of the *Act on the Regulation of Terms and Conditions*, and the special application of the *Industrial Accident Compensation Insurance Act*. The Government plans to provide measures to protect basic labour rights of those in special types of employment through public discussion involving the government, employer, and worker representatives as well as experts from the related fields.

Rights to social security and to adequate standard of living

35. The Basic Living Security System is being modified so that the criteria for obligatory support providers better reflect the reality, by narrowing down the scope of obligatory providers and easing the criteria to determine support capability determination. In 2015, the existing single selection criteria was substituted with multiple criteria for the provision of different kinds of benefits and relative poverty line was introduced, changing the eligibility formula for benefits from the percentage of the minimum wage to the standard median income. This is to enable the recipient, even when their income increases beyond the threshold, to continue receiving benefits that are needed for specific circumstances of the recipient's household. Also, the system was modified to exempt a spouse of the deceased obligatory providers from the responsibility to support the recipient. The income criteria for determining the obligatory provider's ability to provide support were alleviated to enable obligatory providers to maintain a decent life at the level of median income while also supporting the recipient. The income criteria were further eased for the obligatory provider whose family member has severe disabilities. The recipients of education benefits no longer have to satisfy the requirement of obligatory support criteria under the modified system. (Recommendations 59, 60)

36. The Government made a paradigm shift in building social safety net to eradicate poverty, ensuring that the focus of the Government support lies in enabling the recipients to cut themselves off poverty. The introduction of the disability pension scheme, the identification and support for the potentially poor, and the adoption of basic pension scheme are all part of the Government's efforts to better ensure income security for vulnerable groups and to reduce poverty. At the same time, the Government focuses on associating welfare system with labour, reinforcing labour incentives that help the low-income population overcome poverty and able to self-support. The basic pension system introduced in 2014 has replaced the previous basic old age pension to provide the bottom 70% of the elderly aged over 65 with stable income. As of the end of 2016, around 4.58 million people, 65.6% of around 6.99 million elderly citizens, were the recipients of the basic pension. (Recommendation 59)

37. From 2013 to 2017, a total of 531,000 public rental houses were provided through the Government's initiative to expand public housing. The Government also plans to procure housing sites to provide 150,000 houses for college students and newlyweds by 2017. The New Stay Project, which claims to be a quality rental housing program offering residential stability for the middle class, provides various options, disaggregated by housing providers, house types and land type, such as urban-type, land lease-type, cooperative association-type and *han-ok* (traditional Korean house)-type. The Government is promoting a policy for low-income families by expanding housing benefits in order to better meet their particular needs. As of the end of 2016, housing benefits were provided to a maximum of 811,000 households with an average housing benefit for monthly rent or support for house renovation at KRW 111,000. (Recommendation 61)

Right to health

38. The coverage of the National Health Insurance inched up from 62% in 2013 to 63.2% in 2014 and 63.4% in 2015. The Government establishes and implements the mid-term national health insurance plan every five years. The goal spanning from 2014 to 2018 is to ensure fair health coverage for all people by alleviating the medical expense burden and improving health. The plan consists of 32 specific tasks for three objectives, which include ensuring essential health care services for major health issues of each life cycle stage; tackling expensive healthcare services that are uninsured; and strengthening health care support for vulnerable groups and the marginalized. In particular, the plan intends to support marginalized groups by expanding provision for prosthetic appliances for persons with disabilities, to improve criteria for eligibility, and to expand coverage of health care costs for portable oxygen therapy devices, breathing apparatus, and other essential home-visiting physical treatment. The Government's effort to secure the right to health also includes the maximum limit for co-payments of health care costs depending on the income group to which a recipient belongs.

39. The mental health policy of the Republic of Korea is under transformation: the policy previously focused on the medical treatment of the mentally ill, but now it is leaning toward early detection of mental illness, reinforcement of the support for persons with mental illness to return to society, and stronger mental health for all. Taking note of a change in policy focus, the *Mental Health Act* was wholly revised on 29 May 2016 to the *Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients*, which took effect on 30 May 2017. The revision significantly improved the conditions and procedures for hospitalization and lowered number of human rights abuses of patients. Furthermore, welfare services support has been buttressed by the revised Act, which newly stipulates support for social integration of persons with mental illness. The Government plans to expand considerably the infrastructure and personnel of mental health centres to establish the system for early detection of mental illness and to launch a nationwide mental health service.

Right to education

40. As of 2016, enrolment for preschool marked 50.7%, elementary school 98.1%, middle school 94.9%, high school 94.1%, and tertiary institutions 68.5%. Education is compulsory until middle school, and the Government plans to expand compulsory education to high school.

41. The Government amended the *Higher Education Act*, placed an upper limit on the increase of college tuition, and established the Enrolment Fee Deliberation Committee in order to make college tuition affordable. In 2012, the Government launched the state scholarship scheme, and successfully reduced the tuition fee burden on students and parents by 50% on average by means of government-funded scholarship of KRW 3.9 trillion and an

additional KRW 3.1 trillion colleges solicited by such measures as freezing and cutting tuition, and creating scholarship fund. As of 2017, state scholarship can be categorized into three types: first, students receive different amount of financial aid depending on their family's income; second, students receive scholarship whose amount is calculated in association with the efforts of their colleges to reduce tuition; third, students from multiple-children family receive scholarship specifically designed for them. Moreover, the interest rate on student loan is 2.5%, significantly lower than inflation rate, which contributes to better access to tertiary education by reducing tuition burden. (Recommendation 63)

E. Protection of the rights of women and children

42. To ensure non-discrimination against women and achieve gender equality, the Government wholly revised the *Framework Act on Women's Development* into the *Framework Act on Gender Equality*. The paradigm of the policies on women shifted from women's development to the actual gender equality. All Government agencies are now responsible for taking up measures for gender mainstreaming in the course of performing their duties. The revised Act newly stipulates provisions concerning the Gender Impact Analysis and Assessment, Gender Budgeting, Gender Statistics, Education on Gender Sensitivity, and developing and announcing the Gender Equality Index. The national gender equality index is composed of eight categories and 23 indices, including economic activity, decision making, education and career training, welfare, health care, safety, family, and culture and information. (Recommendations 26, 27)

43. To tackle prejudice and discrimination against single-parent families, schools at all levels provide education on single-parent families and educate relevant officials on building up expertise on the matter. Furthermore, the *Single-Parent Family Support Act* was amended in 2016, which sets forth the principle of non-discrimination against children from single-parent families, when caring and educating children. The Government organizes the awareness campaign on single-parent families, while supporting teen fathers and teen mothers by means of additional child support subsidies, education subsidies to prevent academic suspension, and subsidies to support their financial independence. The Government also legislated the *Act on Enforcing and Supporting Child Support Payment* in 2014 to enable single parents with minor children to receive child support from non-custodial parents. The Child Support Agency was established in 2015 to offer a one-stop service covering consultations, negotiations, litigation and collection, and follow-up management. (Recommendation 28)

44. In order to address the inequality of women in employment and labour market, *the Equal Employment Opportunity and Work-Family Balance Assistance Act* stipulates the principle of equal pay for equal work, the violation of which is subject to criminal punishment. Various policies have been put in place to enable work-family balance and prevent women's career break, such as childcare leave, part-time job, flexible work arrangements, and the establishment of infrastructure for telecommuting and ubiquitous working. Childcare leave was expanded in 2014 to allow the parents with children under the age 8 or grade 2 to take the leave up to one year. In order to promote paternity leave, the Government introduced a Father's Month program since 2014. If both parents take the childcare leave successively for the same child, the childcare benefit for the second parent is raised to 100% of their ordinary monthly wage up to KRW 1.5 million for the first month of childcare leave. (Recommendations 26, 48)

45. Sexual harassment in the workplace is subject to criminal punishment if it constitutes the elements of crimes under the *Criminal Act*, but in principle, sexual harassment in the workplace is considered as a discriminatory practice. The *Equal Employment Opportunity and Work-Family Balance Assistance Act* prohibits sexual

harassment in the workplace committed by an employer, superior, or worker against other workers. Administrative fine is imposed on an employer who committed sexual harassment, and corrective orders are in place for an employer to take disciplinary measures against anyone who committed sexual harassment in the workplace. The victims of sexual harassment can seek remedial measures by claiming civil damages or filing a complaint to the NHRCK. (Recommendation 49)

46. The Government is making efforts to prevent sexual violence and domestic violence by drawing up comprehensive measures through inter-ministerial cooperation to intensify punishment for perpetrators and to strengthen support for victims. In December 2012, the provision that stipulated sex offence as an offence that is punishable only by complaint was abolished. The sex offenders registration and notification system, which was set up to prevent recidivism, has been reformed to allow identification of sex offenders via mail notifications and smartphone applications. Consulting centres and shelters for victims of sexual violence are also being expanded, along with the expansion of free legal aid programs. Public Defender for Victims was adopted in 2012 and has been in operation since 2013 for all victims of sexual violence, providing legal support from the early stages of sexual assault response to investigations and trials. (Recommendations 39, 40)

47. The proactive employment improvement measures have been in place since 2006 in accordance with the *Equal Employment Opportunity and Work-Family Balance Assistance Act*. Under these measures, public agencies and private enterprises employing more workers than the scale prescribed in the law should submit the current status of male and female workers by job type and by position and the implementation plans for employment improvement to the Minister of Employment and Labour. Since 2013, the enforcement regulation was amended to broaden the scope of the workplace obligated to submit implementation plans. Under the previous regulation, workplaces that fall short of the 60% threshold of the proportion of female employee in the total employee compared to the industry average were obligated to submit the implementation plans. The amended regulation raised the threshold to 70%. The Government also introduced the scheme in which the list of the employers failing to implement proactive employment improvement measures are published, and set up the specific standards. As a result, the proportion of female workforce in the concerned public agencies increased to 36.4% in 2015 and 37.3% in 2016, and the proportion of female in the management increased to 15.9% in 2015 and 16.4% in 2016. In the political sector, female candidates must take up 50% of the nominations by the political parties for proportional representation of the National Assembly and for proportional representation of local councils. Likewise, the proportion of female candidates must take up 30% or more of the number of total candidates for district constituency of the National Assembly and of local councils. As a result, the number of female lawmakers in the National Assembly, which accounted for merely 5.9% in the 16th National Assembly, increased to 13.0% in the 17th, 13.7% in the 18th, 15.7% in the 19th, and 17.0% in the 20th National Assembly.

48. With the accession to the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, the Government amended the *Military Service Act*, which prescribes only male over 18 years of age are eligible for the conscription status of class 1. Under the Act, all males are obligated to serve military duty, and undergo physical examination for draft at the age of 19. Those who are found to be qualified to perform active service enlist in the military the year they took the physical examination for draft or the year after. Also, the *Act on Punishment, etc. of Crimes under Jurisdiction of the International Criminal Court* prohibits conscription or enlistment of persons under the age of 15 into army or armed forces. The violation of this may be subject to punishment by imprisonment for a fixed term of not less than three years. (Recommendation 20)

49. To protect the right to education for children with disabilities, the Government increased the number of special classes and special education teachers with expertise by a large number. 70.4% of children with disabilities take inclusive education on average. The Government is developing educational materials designed to fit different types and characteristics of disabilities, and is strengthening nationwide education on improving public awareness towards the disabled. The National Youth Healing Centre, a residential treatment centre, was launched to provide assistance to children with behavioural and emotional disorders, where teenagers having difficulty controlling their emotions and behaviours are provided with comprehensive assistance including counselling, treatment, protection and education for their recovery and healthy development. (Recommendation 19)

50. The universal birth registration requires mandatory birth reporting upon the birth of a child. The birth of a child of foreign nationals born in the Republic of Korea shall be registered in accordance with the laws of their countries even in cases where the parents are undocumented migrants. Children born to refugees can be registered as foreigners if they submit birth certificate issued by a hospital. The *Act on the Registration, etc. of Family Relation* was amended in May 2016 to allow a prosecutor or the head of a local government to report a child's birth if the persons who are obligated to report fails to do and jeopardizes the child's welfare. (Recommendation 29)

51. To withdraw the reservation to the provision concerning adoption in the *Convention on the Rights of the Child*, the Government revised the *Act on Special Cases Concerning Adoption* in its entirety in August 2011, and prescribed the permission of the courts for both international and domestic adoption of a child in need of protection. In February 2012, the Government amended the *Civil Act* to require permission of the family court for adoption of a minor, and introduced relevant procedures to the *Family Litigation Act*. The Government also ensured that when the family court renders a decision on adoption of a child over 13 years of age, the child's opinion must be sought to respect the interests and opinion of a child upon in the process. The Republic of Korea signed the *Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption* in May 2013, and is currently legislating domestic law for its implementation. The relevant Government ministries have discussed the withdrawal of the reservation to Article 21 paragraph (a) of the *Convention on the Rights of the Child*, and the procedure for withdrawal is now underway. Furthermore, the Regulation for Family Litigation was amended in December 2016 to provide for compulsory parental education for adoption under the *Civil Act*, which used to be mandatory only for the adoption under the *Act on Special Cases Concerning the Promotion and Procedure of Adoption*. According to the amended regulation, adoptive parents must take education on psychological and emotional characteristics of adoptive children and on the effective ways of parenting before they are legally able to proceed with adoption. This measure is expected to protect the rights of adoptive children and to help both adoptive parents and adoptive child adjust to their new family form. (Recommendations 10, 47)

52. In order to prohibit corporal punishment in schools, the *Enforcement Decree of the Elementary and Secondary Education Act* was amended in 2011, according to which the principal shall discipline or guide a student but is forbidden to use tools on the body to inflict pain on the student. As for child abuse, the Government enacted the *Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crime* in 2014 in order to strengthen punishment and correction of perpetrators, along with the expansion of obligated reporters of child abuses, provision for the grounds of restricting unjust exercise of parental rights and stipulation for the police and specialized child protection agencies to access to the site upon the child abuse report. The Inter-Ministerial Committee on Countering Child Abuse was launched in 2015 and it announced the Countermeasures against Child Abuse developed through continuous consultation and cooperation in March 2016. The

Government has also developed and disseminated various types of materials on parent education. The week for parent counselling has been designated to provide parents with instruction and counselling regarding child abuse and campaigns on prevention of child abuse have been organized. (Recommendations 17, 38, 40, 41)

53. In effort to prevent child sexual abuse, the Government strengthened education by expanding institutions obliged to take preventive education on sexual abuse including schools and workplaces. The Government has tightened punishment for sex crimes, designated police investigative team and prosecutors exclusively in charge of sexual violence, organized annual workshops to train investigators in charge of crimes against women and children, all to facilitate prompt response and investigation. The victims of sex crimes are assisted by public defenders and statement assistance. The sex offenders are not only subject to criminal punishment but also registered in the sex offender registry, and are forbidden to work in facilities designed for children and juveniles. The courts can order the sex offenders against children and juveniles to wear ankle monitors, and those offenders who are sexual deviant and over 19 years of age may be ordered to undergo pharmacologic treatment for up to 15 years. (Recommendation 41)

54. Child suspects are guaranteed to take advantage of the state appointed assistants, and to accompany the person in fiduciary relationship to seek expert's advice or legal assistance. A minor shall be detained separately from adults over 19 years of age. Juvenile Reformatory has been refurbished to make confinement wards smaller and several measures are taken to restore trust in family relationships and encourage juvenile offenders to go to college or to take vocational training. As for juvenile offenders, alternative measures to detention are highly encouraged, such as suspension of prosecution on condition of guidance, an order of community service, and an order to attend a lecture. Meanwhile, in 2014, the *Enforcement Decree of the Act on the Treatment of Protected Juveniles* was amended under which a juvenile is to be given enough opportunity to make a statement during investigations for disciplinary actions, and, in practice, the Deliberation Committee on Treatment later makes sure the opportunity is given to the juvenile inmate. The courts are required to hear children aged over 13 years of age when they make decision on parental authority or guardianship or adoption concerning the child. The amendment of the *Family Litigation Act* is underway to require the consideration of the opinion of a child regardless of their age in all family cases that may affect the welfare of the child. (Recommendation 45)

55. The Government amended the *Criminal Act* to newly stipulate the crime of human trafficking in order to ratify the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*. The amended *Criminal Act* expanded the purpose of kidnapping and abduction, along with the previously stipulated purpose of "engaging in an indecent act, sexual intercourse or marriage, or for gain" and "transportation of a person out of the Republic of Korea", to include the purpose of "labour exploitation, sex trafficking, or the acquisition of organs". The consequentially aggravated crimes of human trafficking were also more specified into bodily injury and murder and death, in line with the principle of liability. A person who recruits, transfers, or delivers another with the intent to commit human trafficking has become principal rather than accessory under the amended *Criminal Act*, as such acts are defined as distinct acts of crimes. The provision of universal jurisdiction has been introduced so as to punish foreign nationals in the territory of the Republic of Korea, who have committed the same crime outside the Republic of Korea. The Government presented the bill for the consent of the ratification of the Protocol on Trafficking in Persons, which passed National Assembly in 2015 and the instrument of ratification was deposited with the United Nations. The Protocol took effect in Korea on 5 December 2015. (Recommendations 42, 43)

F. Protection of the rights of minority

96. As the foreign population residing in the ROK increased, the Government legislated the *Framework Act on Treatment of Foreigners Residing in the Republic of Korea*, based on which the Government formulates basic plans for immigration policy every five years. The Second Basic Plan for Immigration Policy, currently being implemented, underscores public order and safety and immigrants' responsibility and contributions. At the same time, it also sets out specific policy tasks for improving the legal system to ensure respect for the human rights of immigrants and prevention of discrimination against immigrants and for raising awareness on cultural diversity. Based on the basic plan, the Government devises yearly implementation plans and conducts annual assessment on performance of the plan implementation. Along with the assessment on the progress of each task, indices for each policy target are set up to assess the overall effectiveness of the policy. (Recommendations 11, 12, 46, 69)

97. In light of the characteristics of the Employment Permit System (EPS), the entire abolition of the restriction on workplace transfer of migrant workers is difficult to pursue. However, in order to prevent restrictions on human rights of migrant workers due to prohibition on workplace change, the Government amended the relevant regulations to permit workplace change of a migrant worker on the grounds other than the migrant worker's own liability starting in July 2012 without having to obtain their employer's consent. Such workplace change does not count towards the maximum number of workplace change allowed for all migrant workers. In addition, in 2016, the Government amended the relevant regulations to ensure that a workplace change attributable to the violation of the *Occupational Safety and Health Act* or the *Minimum Wage Act* or a workplace change decided by a subcommittee of the Council on Protection of Rights and Interests of Migrant Workers does not count towards the maximum number of workplace change allowed for the migrant worker so as to protect the rights and interests of migrant workers. (Recommendation 65)

98. Migrant workers who have entered into the ROK under the EPS enjoy the same fundamental labour rights as Korean nationals. In June 2015, the Supreme Court of Korea ruled that anyone, including undocumented workers, who provides labour in return for wage is a worker within the law. Subsequently, a labour union of migrant workers was established. Through the Korea Support Centre for Foreign Workers established for foreign and migrant workers, the Government not only provides counselling for difficulties rising from cultural difference and imperfect language communication but also classes on Korean language, law, and culture. Since 2009, the Government focuses its monitoring on workplaces that hire migrant workers who have been in the country less than three months and provide the migrant workers with assistance for their initial adaptation to the country. Also, the Government establishes and operates councils on protection of rights and interests of migrant workers in the employment centres nationwide through which the Government discusses measures to resolve conflicts between migrant workers and their employers and provides training for developing vocational capacity to migrant workers. It is mandatory for migrant workers be subscripted to the national health insurance and the industrial accident compensation insurance as it is for Korean nationals while subscription to the employment insurance is optional. Although the subscription to the national pension service is subject to the principle of reciprocity, the lump sum refund policy is applicable to all migrant workers who entered the country under the EPS. Moreover, the Government is enforcing an insurance system exclusively for migrant workers that is designed to be a hedge against overdue severance pay and wages, a safety net for safe return to the home country, and a measure of support for injury and death resulting from causes other than industrial accident. Meanwhile, in order to protect migrant workers in agriculture and livestock industries, out of 3,000 workplaces it annually inspects, the Government conducts more than 30% of its

annual inspection on workplaces in agriculture and livestock industries. The Government is also drafting and distributing standard labour contact forms to agriculture and livestock industries to improve living conditions of the migrant workers and to guarantee labour rights and decent working conditions. (Recommendation 67)

59. The Government provides services to migrant women who are victims of domestic violence through the Emergency Support Centre for Migrant Women, founded in 2006. Since 2014, the services became available in 13 different languages. Since April 2014, through the *Danuri* Helpline, the Government provides a one-stop emergency counselling service on life in Korea and domestic violence report. The Shelter for Migrant Women provides safe protection to migrant women who are victims of domestic violence and their accompanying children and provides assistance for counselling, medical treatment, legal advice, and departure. The average number of persons protected at the centre increased from 17 in 2008 to 271 in 2016. Furthermore, special provisions are written into the *Immigrant Act* to permit extension of a migrant's stay in the ROK if the person is a victim of domestic violence, sexual violence, human trafficking, or other forms of violence committed in the country and is in the process of seeking a trial, an investigation by an investigative agency, or other medical procedures, so as to enable the victims to resort to judicial proceedings with confidence. (Recommendation 39)

60. The children of undocumented immigrants are not eligible for national health insurance or health benefit. However, if they are under the age of 12, they are eligible for free national vaccination for 17 diseases. In effort to ensure essential health care services for those not eligible for the benefits of the national health insurance nor health benefits, the Government provides medical subsidy for a maximum of KRW 5 million per hospitalization or surgery and pays children under the age of 18 for their medical bills for prenatal care and outpatient treatment. In addition, the children of undocumented immigrants are eligible for entering childcare centres if the parents separately pay the cost of childcare for their child. For those under the age of two, the Government ensures they receive childcare at the centre by directly subsidizing the relevant centre for the cost of basic childcare. (Recommendation 66)

61. The *Refugee Act*, which has been enforced since July 2013, was intended to intensify the expertise in refugee recognition procedure and to provide social treatment for recognized refugees and asylum seekers. Subsequently, the Act provides for asylum seekers' right to collect favourable materials, right to counsel, right to interpretation service during interview, and right to apply for refugee status at the point of entry regarding the refugee status determination. Moreover, as Syria's civil war intensified, Syrian asylum seekers were granted humanitarian status since 2014 if they could not be recognized as refugees under the *Refugee Act*. Since 2015, the Government has been operating a three-year pilot project under which the refugees under resettlement are accepted. The Government plans to review the result, based on which the Government will make a decision on transforming the pilot project into a regular project. (Recommendation 68)

62. Also, the Government is providing asylum seekers in need with subsidies for living cost and housing at the Korea Immigration Service. Asylum seekers are eligible for a work visa after six months from their application for refugee status. Those recognized as refugees are also provided with social security, basic livelihood subsidies, education, and training for social adaptation. Spouses of recognized refugees are granted permission to enter and reside in the Republic of Korea. All of the registered foreigners including refugees can voluntarily participate in receiving social adaptation education. The Government is also making efforts to encourage cultural exchanges between the residents and migrants and social integration by supporting regional culture foundations. (Recommendations 64, 68)

IV. The voluntary pledges and contribution for the promotion and protection of human rights at the international level

63. The voluntary pledges and commitments, which the ROK submitted in 2015 as it sought a seat as a member of the HRC, are manifestation of the Government's sincere embracement of the recommendations made during the second UPR, whose implementation status is discussed in depth in Chapter III.

64. The Government submitted to the 70th session of the UN General Assembly the voluntary commitment specifying its determination to contribute to the UNHRC activities, along with its domestic and international pledges for human rights protection and promotion. As demonstrated in the voluntary commitments, the ROK, as a member of the UNHRC for 2016-2018, has contributed to improving human rights all over the world and to strengthening the functions of the HRC by actively participating in discussions for protection and promotion of human rights protection of vulnerable groups including women, children, and persons with disabilities. In particular, the ROK has introduced a resolution on "local government and human rights" every 1–2 years, raising global awareness on the responsibility of local governments for human rights protection. In 2016, the Permanent Representative of the ROK to the United Nations Office at Geneva, Choi Kyong-lim, was appointed as President of the Human Rights Council, making significant contributions to discussions of the UNHRC on making the Council more effective and efficient.

65. In the meantime, as a member of executive boards and a commission within the UN human rights mechanism, the Government is taking part in the global efforts to protect and promote human rights of the vulnerable groups. As a member of the UN Women Executive Board, the Commission of the Status of Women, the ROK has put in efforts to promote gender equality and empowering women and actively engaged in global discussions on promoting and protecting the rights of children, and UNICEF Executive Board. Moreover, the Ambassador of the ROK to the UN served as a chair of the Conference of the State Parties to the *UN Convention on the Rights of Persons with Disabilities* in 2015–2016, striving to make the society more inclusive for persons with disabilities. The ROK has partaken in global efforts to protect and promote the rights of persons with disabilities.

V. Progress and challenges on new issues

66. As the international standards for the transnational corporations and human rights developed in the HRC, the Government took measures to serve as a mediator between business enterprises and the labour union when a complaint pertaining to business and human rights was lodged with the National Contact Point (NCP), established in line with the *OECD Guidelines for Multinational Enterprises*. In 2013, the Government reorganized the NCP to ensure participation of both the government and corporate social responsibility experts from private sector. Starting 2017, labour experts and mediation experts are additionally invited to take part in the NCP, and in March 2017, the ROK sought a peer-review at the OECD Secretariat. Lately, the NCP, with respect to grievance procedure, has been arranging meetings between the parties to remedy the grievance and making recommendations that are stipulated under the *OECD Guidelines for Multinational Enterprises*. The ROK will carry on with its effort for impartial management of the NCP and will transparently disclose the management process, thereby winning the trust of different stakeholders. Currently, the ROK is considering the establishment of the National Action Plans on Business and Human Rights, taking into consideration the OECD guidelines, NAP technical guidelines, and the recommendations made by the NHRCK.

67. Amid growing calls for the Government's action to tackle the violation of fundamental human rights and harsh treatment in the military, the Government enacted the *Framework Act on Military Status and Service* in December 2015. The Act requires the military authority to conduct regular education on military human rights, imposes a duty upon all soldiers to report on harsh treatment by another, and ensures protection for a soldier who reports on harsh treatment, to eliminate beating and cruel treatment in the military. Every year, the Ministry of National Defence conducts field visits to inspect human rights situation in the military and also monitors the implementation status of human rights policy in the military through the Council on Human Rights in the Armed Forces and the Advisory Committee on Military Human Rights. Since July 2017, the military operates the Military Human Rights Monitoring Group, consisting of soldiers, parents, and ordinary citizens, actively taking note of the calls for improvement of human rights in the military. Along with the policies led by the Ministry of National Defence for the human rights protection, a legislative bill on the establishment of an independent monitoring mechanism is currently submitted to the National Assembly, the contents of which include appointment of a military human rights officer at the NHRCK in order to prevent human rights violations in the military and provide remedies for human rights violations. The Government will actively pursue these initiatives as well.

68. The ROK is expected to become an aged society by 2018, where the elderly aged over 65 years of age accounts for 14% of the population. Under the circumstances, the issues such as elderly poverty, elderly suicide, elder abuse, and elderly providing for another elderly are becoming objects of public concern. In response to such concerns, the Government has introduced the basic pension scheme in July 2014, under which around 70% of the elderly aged over 65 years of age are receiving benefits as of June 2017. In addition, as of 2017, around 440,000 elderly are participating in the elderly employment program designed for the elder who have difficulties in finding jobs in the labour market. In response to rising rate of elderly suicide, a program has been put in place since 2007 to check on the elderly via personal visit, phone call, and other equipment. From 2011, the Government forged a partnership with the private sector and has been providing service to check on the safety of the elderly and other volunteer services. A friendship program has been put in place since 2014 to help senior citizens living alone build social networks. To prevent elder abuse and to protect elderly victims of abuse, since 2004, the Government has been increasingly building infrastructure facilities such as elder protection institutions, shelters for elder victims of abuse, and other infrastructure of similar kind. Since 2017, June 15 has been marked as the Elder Abuse Prevention Day in order to raise public awareness on the matter. Moreover, the Government is refining relevant legislations and institutions such as the *Welfare of Older Persons Act*, which imposes heavier punishment for perpetrators of elder abuse, publication of the list of the perpetrators, and restriction on the perpetrators' employment. In 2008, the Government introduced the long-term care insurance for older persons with a view to creating a robust public care system. As of 2017, the Government is deliberating on institutional reform to alleviate the burden on the elderly taking care of another elderly by easing the criteria for obligatory support providers under the National Basic Livelihood System.

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Compilation on the Republic of Korea

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Special Rapporteur on the situation of human rights defenders recommended that the authorities expedite the ratification of those United Nations human rights treaties that had still not been ratified.[3] In particular, it was recommended that the Republic of Korea ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[4] the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Optional Protocol to the Convention on the Rights of Persons with Disabilities,[6] the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,[7] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[8] the Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[9] the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29),[10] the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87),[11] the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98),[12] the ILO Migration for Employment Convention (Revised), 1949 (No. 97),[13] the ILO Abolition of Forced Labour Convention, 1957 (No. 105),[14] the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129),[15] the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143),[16] and the Convention on the Reduction of Statelessness, of 1961.[17] UNESCO encouraged the authorities to ratify the Convention on Discrimination in Education, in line with a recommendation from the universal periodic review[18] of 2012.[19]

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3. The Special Rapporteur on the rights to freedom of peaceful assembly and of association recommended the removal of the reservation to article 22 of the International Covenant on Civil and Political Rights.[20]

4. In 2015, the Human Rights Committee recommended, inter alia, fully implementing the Views that it had issued.[21]

5. In 2016, the Republic of Korea submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2012.[22]

6. In June 2015, OHCHR established a new field-based structure in Seoul to strengthen monitoring and documentation of the human rights situation in the neighbouring country, with the United Nations High Commissioner for Human Rights present at the opening of the office.[23]

7. The Republic of Korea contributed financially to OHCHR annually.[24]

III. National human rights framework[25]

8. The Committee against Torture noted the second national action plan on human rights, covering the period from 2012 to 2016, and the work being done with a view to adopting the third action plan.[26]

9. The Human Rights Committee recommended adopting the legislation necessary to ensure a transparent and participatory process for the selection and appointment of members to the National Human Rights Commission of Korea and to guarantee the independence of its members.[27] The Committee against Torture recommended establishing an independent committee to nominate candidates and to guarantee the independence, diversity and functional immunity of the members of the Commission, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and ensuring that the Commission had adequate resources.[28] The Working Group on the issue of human rights and transnational corporations and other business enterprises recommended broadening the mandate of the Commission to enable it to consider all human rights harms caused by private enterprises.[29]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[30]

10. The Human Rights Committee recommended adopting comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and prohibiting discrimination on any ground, including race, sexual orientation and gender identity.[31] The Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made similar recommendations.[32]

11. The Special Rapporteur on racism recommended amending the relevant laws in order to include racial discrimination as a criminal offence, providing for adequate sentences for the gravity of the offence, making racial discrimination an aggravating circumstance when another offence is committed and providing for appropriate reparations for the victims.[33] The Committee on the Elimination of Racial Discrimination made similar recommendations.[34]

12. The Committee on the Elimination of Racial Discrimination noted that racist hate speech directed against non-citizens was becoming more widespread and explicit in the media and on the Internet.[35] The Special Rapporteur on racism called upon the Government to strengthen mechanisms for preventing and eliminating xenophobic discourse against foreigners, migrants and multicultural families. Politicians from mainstream political parties should avoid xenophobic discourse and the scapegoating of foreigners, migrant workers and multicultural families.[36]

13. The Committee on the Elimination of Racial Discrimination was concerned that the Multicultural Families Support Act limited the definition of multicultural families to the union between a citizen of the Republic of Korea and a foreigner, thereby creating de facto discriminatory situations.[37] The Special Rapporteur on racism recommended broadening the definition of multicultural families to include unions between foreigners or inter-ethnic unions in order to integrate those who were excluded from the social benefits provided for under the Act.[38]

14. The Committee on the Elimination of Racial Discrimination considered that the mandatory HIV/AIDS and illegal drug medical testing policy limited to foreign English teachers who were not ethnically Korean did not appear to be justified on public health grounds or any other ground, and was a breach of the right to work without distinction as to race, colour, and national or ethnic origin. It observed that mandatory HIV/AIDS testing for employment purposes, as well as for entry, stay and residence purposes, was considered to be in contradiction to international standards, as such measures appeared to be ineffective for public health purposes, discriminatory, and harmful to the enjoyment of fundamental rights.[39]

15. Noting the universal periodic review recommendation[40] on a birth registration system, the Office of the United Nations High Commissioner for Refugees (UNHCR) reported that the birth registration system failed to ensure universal and compulsory birth registration and that foreigners whose children had been born in the country were not able to register their children through the family register, although their children might receive a birth notification document from the hospital. UNHCR recommended establishing a universal birth registration system that included children of refugees, asylum seekers and stateless persons, and ensuring that all children had access to birth registration immediately after birth, regardless of the status of their parents.[41] The Human Rights Committee and the Committee on the Elimination of Racial Discrimination made similar recommendations.[42]

16. The Human Rights Committee was concerned about the discrimination against lesbian, gay, bisexual, transgender and intersex persons, including violence and hate speech. It recommended, inter alia, that the Government not tolerate any form of social stigmatization of, or discrimination against, persons based on their sexual orientation or gender identity, that it strengthen the legal framework to protect them and that it facilitate access to the legal recognition of gender reassignment.[43]

2. Development, the environment, and business and human rights[44]

17. The Special Rapporteur on human rights defenders recommended adopting a human rights-based approach to development policy and programming, including by establishing mechanisms for consultation and effective participation of the communities affected by development projects.[45]

18. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended increasing efforts to prevent harm to communities living near sources of ongoing pollution or contaminated sites, and ensuring that the victims realized their right to an effective remedy consistent with human rights principles. He recommended ensuring that sufficient resources were available for regional and local governments tasked with monitoring and enforcement of laws on pollution control.[46]

19. The Working Group on business and human rights recommended developing a national action plan on business and human rights based on multi-stakeholder engagement and the Working Group's guidance.[47] It recommended, inter alia, that the Government underline the expectation in relevant policies that business enterprises must respect human

rights throughout their operations and conduct human rights due diligence in relation to their domestic and international operations.[48] The Special Rapporteurs on hazardous substances and wastes, on human rights defenders, and on freedom of peaceful assembly and association made similar recommendations.[49]

3. Human rights and counter-terrorism

20. The Human Rights Committee recommended ensuring that the counter-terrorism legislation and practices were applicable to terrorism alone and complied with the principle of non-discrimination, that acts of terrorism were defined in a precise and narrow manner and that relevant legislation was limited to crimes that would clearly qualify as acts of terrorism.[50]

B. Civil and political rights

1. Right to life, liberty and security of person[51]

21. While acknowledging the current non-application of the death penalty, the Human Rights Committee was concerned that a significant number of persons remained sentenced to death. It recommended giving due consideration to the legal abolition of the death penalty and to the commutation of all death sentences to terms of imprisonment.[52] The Committee against Torture made similar recommendations.[53]

22. The Committee against Torture was concerned about the high number of suicides and sudden deaths in correctional facilities, and in pretrial detention where suicides might be the result of coercive investigation procedures by police and prosecutors.[54]

23. In 2017, the Committee against Torture reiterated its previous recommendation to incorporate into the Criminal Act a definition of torture that made torture a distinct crime and that included all the elements covered in the Convention, including the mental and psychological aspects of torture. The authorities should revise its legislation to ensure that acts of torture are offences under criminal law and that they are punishable by penalties commensurate with the gravity of the crime.[55] The Human Rights Committee had made similar recommendations in 2015.[56]

24. The Committee against Torture recommended ensuring that the absolute prohibition against torture was non-derogable, that no exceptional circumstances may be invoked as a justification for torture and that there was no statute of limitations for acts of torture.[57]

25. The Committee against Torture reiterated its concern that persons continued to be arrested under the National Security Act and that some persons arrested under the Act had allegedly been subjected to arbitrary arrest and detention, as well as to coerced confessions.[58]

26. The Committee against Torture noted that persons escaping the neighbouring country might be lawfully detained for up to six months. It was concerned at reports that such persons might be detained indefinitely by the National Intelligence Service and be detained in solitary confinement and without due process, and that they might be deported to third countries where they risked being tortured.[59] It recommended ensuring that any person detained for reasons related to their escape from the neighbouring country was deprived of their liberty for the shortest possible period and not beyond the established legal maximum, and ensuring their access to all fundamental legal safeguards.[60] The Human Rights Committee made similar observations.[61]

27. The Committee against Torture was concerned at reports of a large number of cases of violence and abuse in the military, which had sometimes resulted in deaths, and at the small number of such cases that had resulted in indictments.[62] The Human Rights Committee recommended conducting impartial investigations into all allegations of abuse in the military, and ensuring that the victims and witnesses were protected against reprisals.[63] The Committee against Torture recommended establishing the office of military ombudsman as an independent entity to monitor military units and conduct investigations into allegations of abuse and violence in the military.[64]

2. Administration of justice, including impunity, and the rule of law[65]

28. The Committee against Torture recommended guaranteeing that all detained persons were afforded in practice all the fundamental legal safeguards from the outset of their deprivation of liberty, in accordance with international standards, including with respect to having access to legal counsel from the very outset of their deprivation of liberty, and being brought before a judge within 48 hours of their apprehension.[66]

29. The Human Rights Committee was concerned about overcrowding in prisons and limited access to medical aid outside prisons.[67] The Committee against Torture recommended, inter alia, improving the material conditions in correctional facilities and reducing overcrowding, and hiring additional medical personnel and enabling the referral of inmates requiring specialized medical care to outside medical facilities.[68] It recommended that the authorities consider using non-custodial measures and alternatives to detention.[69]

30. The Human Rights Committee recommended ensuring that solitary confinement was used only in the most exceptional circumstances.[70] The Committee against Torture recommended ensuring that restraints used to punish inmates were used only as a measure of last resort, for the shortest time possible and only when less intrusive alternatives for control had failed.[71]

31. The Human Rights Committee was concerned that there was no independent mechanism within the legal system, separate from the police, to investigate allegations of torture and ill-treatment.[72] The Committee against Torture recommended establishing an independent and effective complaints mechanism regarding complaints of torture and ill-treatment, including in all places of deprivation of liberty.[73]

3. Fundamental freedoms[74]

32. The Human Rights Committee was concerned that, in the absence of a civilian alternative to military service, conscientious objectors continued to be subjected to criminal punishment. It recommended releasing all conscientious objectors, ensuring that their criminal records were expunged and ensuring the legal recognition of conscientious objection to military service.[75]

33. The Committee was concerned about the increasing use of criminal defamation laws to prosecute persons who criticized government actions and obstructed business interests, and about the harsh sentences, including prison terms, handed down in such cases.[76] The Special Rapporteur on human rights defenders was concerned about reports indicating that defamation suits were filed even when statements were true and made in the public interest. She recommended ensuring that defamation was only punishable under civil law and that compensation provided was proportionate to the harm done.[77]

34. UNESCO reported that article 7 of the National Security Act prescribed imprisonment for praising, inciting or propagating the activities of an anti-government organization, a member thereof or a person who had received an order from it or who had acted in concert with it.[78] The Human Rights Committee was concerned that prosecutions continued to be brought under the Act, that the vague wording of article 7 could have a chilling effect on public dialogue and was reported to have unnecessarily and disproportionately interfered with freedom of expression in a number of cases and that the Act was used for censorship purposes.[79]

35. The Special Rapporteur on human rights defenders recommended ensuring that provisions in the National Security Act on what constituted a threat to national security were clearly defined and only applied when strictly necessary in order to avoid criminalization of activities in defence of human rights.[80]

36. The ILO Committee of Experts on the Application of Conventions and Recommendations noted that the State Public Officials Act prohibited public officials from participating in an organization of, or joining in, any political party or other political organization.[81] It reported that teachers were subject to disciplinary measures for engaging in political activities, and concluded that disciplinary measures against teachers who engaged in political activities outside of the school, and unrelated to teaching, constituted discrimination on the ground of political opinion.[82]

37. The Special Rapporteur on freedom of peaceful assembly and of association stated that the dissolution of the Unified Progressive Party had been a severe measure taken in 2014 by the Government and the courts. The members of parliament from the party had been stripped of their seats following the dissolution of the party. The status of the party as an outspoken critic of the Government and the controversy surrounding the evidence relied upon by the Government in its dissolution petition, as well as the impact of the dissolution on numerous party members who had not been directly implicated in any wrongdoing, had encouraged perceptions that the objective had been to silence the political challenge that the party posed.[83]

38. The Special Rapporteur on freedom of peaceful assembly and of association recommended ensuring, inter alia, that the establishment of associations, including trade unions and political parties, was subject at most to a notification process, and was simple, expeditious and non-onerous, with clear requirements, and that the relevant laws and policies encouraged the formation of small parties.[84]

39. The Human Rights Committee was concerned about the severe restrictions placed on the right to assembly, including the operation of a de facto system of authorization of peaceful assemblies by the police, cases of use of excessive force, and car and bus blockades, and about the frequent application of criminal law to impose fines on and arrest journalists and human rights defenders for either organizing or participating in protests.[85] The Special Rapporteurs on freedom of peaceful assembly and of association and on human rights defenders,[86] and the Committee against Torture,[87] made similar observations. The Special Rapporteur on freedom of assembly and of association expressed dismay over the death of Back Nam-gi, a 69-year-old farmer who had been knocked to the ground by a water cannon operated by the police while taking part in a peaceful rally in Seoul on 14 November 2015 and who had remained in a coma until his passing.[88]

40. The Special Rapporteur on freedom of peaceful assembly and of association recommended, inter alia, ensuring that at most a prior notification and not a de facto authorization regime regulated the exercise of the right to peaceful assembly, and preventing blanket bans on times when and locations where assemblies could be held.[89] The Special Rapporteur and the Committee against Torture recommended reviewing tactics used for the management of assemblies — including the use of water cannons and bus barricades — to ensure that they were not applied indiscriminately or against peaceful protestors and did not result in escalation of tensions.[90]

41. The Special Rapporteur on human rights defenders recommended that the Government carefully consider allegations and reports of violence, intimidation, harassment and surveillance on human rights defenders, conduct prompt and impartial investigations accordingly and hold perpetrators accountable.[91]

4. Prohibition of all forms of slavery[92]

42. Several United Nations independent experts raised concerns at the agreement on the issue of "comfort women" (thousands of girls and women from several Asian countries, abducted and forced into sexual slavery prior to and during the Second World War) concluded between the Republic of Korea and the neighbouring country in December 2015. The independent experts drew attention to the fact that the agreement did not meet standards of State accountability for gross human rights violations and had been reached without a proper consultation process. They considered that the agreement fell short of meeting the demands of survivors.[93] The Committee against Torture was concerned that the agreement failed to provide redress and reparation or to ensure the right to truth and assurances of non-repetition.[94]

43. The Committee against Torture recommended revising the 2015 agreement to ensure that the surviving victims of sexual slavery during the Second World War were provided with redress, including the right to compensation and rehabilitation, and that they were guaranteed the right to truth, reparation and assurances of non-repetition.[95]

44. The Human Rights Committee noted with concern that, while the Republic of Korea was a source, transit and destination country for human trafficking, traffickers were rarely prosecuted and convicted. It was concerned that a significant number of agricultural

workers were trafficked into the country for the purpose of exploitation, including forced labour, that women entering the country on E-6 (culture and entertainment) visas were frequently trapped into prostitution, that there was no mechanism to adequately identify victims of trafficking, and that the legal definition of trafficking criminalized only the acts of buying and selling, which hindered the prosecution of persons who recruited and exploited migrant workers through contractual deception.[96]

5. Right to privacy and family life

45. The Human Rights Committee noted with concern that, under the Telecommunications Business Act, subscriber information might be requested without a warrant by any telecommunications operator for investigatory purposes. It was concerned about the use and insufficient regulation in practice of base station investigations of mobile telephone signals picked up near the site of demonstrations in order to identify participants, and about the extensive use and insufficient regulation in practice of wiretapping, in particular by the National Intelligence Service.[97]

46. It was estimated, as stated in the OHCHR report of 2016, that since the 1950-1953 Korean War, 129,616 individuals in the Republic of Korea had registered for reunion with their families in the neighbouring country. More than half of those applicants had passed away without being given a chance to restore contact.[98] In 2016, the High Commissioner for Human Rights stated that the emotional, psychological, social and economic toll of involuntary separation of the families had persisted, as people had continued to search for the truth and for contact with their loved ones.[99] The OHCHR report of 2016 proposed several recommendations to the Government.[100]

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

47. The Working Group on business and human rights stated that 22 per cent of the workforce who were employed as temporary workers were in a vulnerable situation. The number of female workers in non-regular employment was particularly high.[101]

48. The Working Group stated that health and safety in the workplace was reported to have been a problem in relation to large companies and increasingly also to small and medium-sized ones.[102] The Special Rapporteur on hazardous substances and wastes stated that workers in various sectors were at an elevated risk of adverse health impacts from chronic exposure to toxic chemicals as well as accidents involving hazardous substances.[103]

49. The Special Rapporteur on human rights defenders stated that there were important limitations to the exercise of labour rights, whereby the right to collective bargaining and to strike were curtailed. She noted that the right to strike seemed to be unduly restricted due to a narrow definition and interpretation of "labour dispute" and were reportedly criminalized through the use of provisions of the Criminal Act, such as "obstruction of business". She observed that the practice of filing compensation lawsuits claiming exorbitant amounts for "obstruction of business" against unions and union members had become widespread.[104]

50. The Committee on the Elimination of Racial Discrimination was concerned that migrant workers could not enjoy their right to organize and join a labour union.[105] The Special Rapporteur on freedom of peaceful assembly and of association noted that teachers and public officials were prohibited from engaging in industrial action. The legislation stated that non-workers could not be part of a union and that dismissed workers were prohibited from trade union membership.[106]

51. The ILO Committee of Experts on the Application of Conventions and Recommendations noted with regret that the revised Trade Union and Labour Relations Adjustment Act retained the ban on the payment of wages to full-time trade union officials and the penal sanctions against employers and unions in case of non-compliance. It reiterated that the payment of full-time union officers should be a matter for free and voluntary negotiation between the parties.[107]

52. The Special Rapporteur on human rights defenders recommended ensuring that labour rights, including collective bargaining and the right to strike, could be exercised without undue restrictions or intimidation, establishing adequate mediation mechanisms between management and labour unions and protecting unions and workers from harassment by private firms and corporations.[108]

D. Rights of specific persons or groups

1. Women[109]

53. The Human Rights Committee was concerned about discrimination against women and about the small proportion of women in decision-making positions, the high rate of women in irregular employment and the high wage gap between men and women.[110]

54. The Working Group on business and human rights noted that women reportedly left the labour force at a high rate when they married or had children and found it difficult to re-enter the workforce after a career break.[111] The ILO Committee of Experts on the Application of Conventions and Recommendations welcomed the measures taken by the Government to reconcile work and family responsibilities as a means of improving women's participation in employment and requested the Government to continue its efforts.[112]

55. The Committee against Torture was concerned at the wide prevalence of violence against women, at the low number of complaints and prosecutions and at the conditional suspension of charges against perpetrators of domestic violence in exchange for education and counselling, which might amount to acquittal and failed to adequately protect the victims. It was concerned that marital rape was not included as a separate offence in the Criminal Act.[113] The Committee on the Elimination of Racial Discrimination noted that migrant women who were subject to domestic and/or sexual violence often did not report such crimes due to fear of losing their legal resident status.[114]

56. The Human Rights Committee recommended that the authorities explicitly criminalize marital rape, adopt a comprehensive strategy to prevent and address gender-based violence, and ensure that cases of domestic violence and marital rape were thoroughly investigated, that perpetrators were prosecuted and, if convicted, punished with appropriate sanctions and that victims were adequately compensated.[115]

57. In 2012, the Committee on the Elimination of Racial Discrimination urged the authorities to ensure that foreign women who were victims of domestic violence, sexual abuse, trafficking or other forms of violence could confidently access justice, and that women victims of violence were guaranteed a legal stay in the country until they recovered.[116] In 2015, the Special Rapporteur on racism made similar recommendations.[117]

58. In 2012, the Committee on the Elimination of Racial Discrimination reiterated its recommendation to increase the Government's efforts to protect foreign women married to citizens of the Republic of Korea by granting them equal rights in case of separation or divorce, and with regard to subsequent residence permits and other provisions.[118] In 2015, the Special Rapporteur on racism made similar recommendations.[119]

2. Children[120]

59. The Committee against Torture was concerned that corporal punishment of children remained permitted in the home, in schools and in alternative care and day-care settings, in particular in orphanages and child welfare facilities, especially outside the capital city.[121]

3. Persons with disabilities

60. The Committee on the Rights of Persons with Disabilities recommended reviewing the disability determination and rating system to ensure that the assessment reflected the characteristics, circumstances and needs of persons with disabilities, and that welfare services and personal assistance be extended to all persons with disabilities, including those with psychosocial disabilities.[122]

61. The Committee on the Rights of Persons with Disabilities was concerned that, in psychiatric hospitals, persons with psychosocial disabilities were subjected to acts considered cruel, inhuman or degrading treatment, including solitary confinement, constant beating, restraint and excessive drug treatment.[127] It urged the Government to abolish forced treatment and to protect persons with disabilities in psychiatric hospitals from violence, abuse and ill-treatment through the establishment of independent monitoring mechanisms.[128]

62. Furthermore, the Committee urged the Government to investigate all cases of violence, exploitation and abuse experienced by persons with disabilities both inside and outside institutional settings, and to provide accessible shelters.[129]

63. The Committee was concerned about cases of forced sterilization of women with disabilities, despite legal provisions prohibiting the practice. It urged the authorities to eradicate the practice.[130]

64. The Human Rights Committee noted with concern reports that a large number of individuals in mental health facilities were involuntarily hospitalized, that the grounds for involuntary hospitalization were broad and included circumstances in which the detained persons did not present a threat to themselves or others, and that procedural safeguards against involuntary hospitalization were inadequate.[131]

65. The Committee on the Rights of Persons with Disabilities was concerned that the adult guardianship system permitted guardians to make decisions in regard to persons deemed persistently incapable of managing tasks due to psychological restrictions caused by disease, disability or old age. It recommended moving from substituted decision-making to supported decision-making, which respected the person's autonomy, will and preferences.[132]

66. The Committee recommended ensuring fair trial and due process guarantees for persons with disabilities, and removing from the criminal justice system the declaration of unfitness to stand trial in order to allow due process for persons with disabilities on an equal basis with others.[134]

67. The Committee urged the authorities to develop effective deinstitutionalization strategies based on the human rights model of disability and to increase support services in the community.[135] It encouraged the authorities to ensure that social assistance programmes provided sufficient and fair financial assistance so that persons with disabilities could live independently in the community.[136]

68. The Committee recommended putting in place measures to narrow the employment gap and ensuring the effective implementation of the mandatory employment quota system for persons with disabilities.[137]

69. The Committee was concerned that, despite the existence of an inclusive education policy, students with disabilities in regular schools returned to special schools, and failed to receive education that was suitable for their impairment-related needs.[133]

70. The Committee was concerned about the low number of accessible buses and taxis in rural and urban areas, and that accessibility standards for buildings were restricted by minimum size, capacity and date of construction and had not yet been applied to all public buildings.[138]

71. The Committee was concerned that many polling booths were not fully accessible to persons with disabilities, that voting information was not provided to them taking into consideration the various types of disability and that persons declared incompetent were denied the right to vote and stand for elections.[139]

72. The Committee was concerned that the sign language used in the country was not recognized as an official language.[140]

4. Migrants, refugees and asylum seekers[137]

73. The Special Rapporteur on racism stated that the Employment Permit System placed a number of restrictions on migrant workers, for example with regard to the number of times they could change workplace and employment and the maximum period of stay, denied them the right to family reunification and placed extreme burdens on migrants seeking to change the type of visa. He was concerned that several restrictions within the Employment Permit System increased the likelihood of migrant workers being subjected to human rights abuses by their employers, who could, for example, terminate a migrant's contract without having to justify the decision.[138]

74. The Special Rapporteur on racism and the Committee on the Elimination of Racial Discrimination recommended amending the Employment Permit System, in particular with regard to the complexity and variety of types of visa, discrimination based on country of origin, the limitation of the migrant workers' ability to change their place of work and the maximum employment period allowed.[139] The Committee on the Elimination of Racial Discrimination recommended ensuring that migrant workers who entered the country legally did not become undocumented as a result of the inflexibility of the work permit system.[140]

75. The Committee against Torture urged the Government to provide legal protection to migrant workers against exploitation, ill-treatment, abuse and confiscation of personal documents, and to guarantee that they had access to justice.[141]

76. The Committee on the Elimination of Racial Discrimination recommended ensuring that migrant workers and their families, in particular children, enjoyed an adequate livelihood, housing, health care and education.[142]

77. UNHCR commended the authorities for the adoption of the Refugee Act in 2013, under which asylum procedures were established and the basic rights of asylum seekers and refugees were recognized.[143] However, it noted that gaps remained with regard to the treatment of asylum seekers and refugee status determination procedures initiated at ports of entry into the country. It referred to cases of asylum seekers being held at Incheon airport after having been denied referral to full asylum procedures, and being kept in substandard conditions or at length at a small waiting area at the airport, and cases of asylum seekers being forcibly deported to their country of origin.[144]

78. The Committee against Torture recommended that the authorities consider revising article 5 of the Enforcement Decree of the Refugee Act with a view to removing the grounds for non-referral to asylum procedures, and ensure that an effective appeal mechanism exists with regard to negative decisions and that appeals have a suspensive effect.[145] UNHCR made a similar recommendation.[146]

79. The Special Rapporteur on racism recommended processing asylum claims within a shorter time frame, and ensuring free legal aid to asylum seekers and adequate training on human rights and asylum procedures for law enforcement agents.[147]

80. UNHCR recommended adopting alternatives to detention for asylum seekers in order to reduce arbitrary and/or prolonged detention of asylum seekers, and ensuring that the detention of asylum seekers, refugees and stateless persons was only used as a measure of last resort and where necessary, and for as short a period as possible.[148]

81. UNHCR stated that although the basic rights of refugees were respected, most refugees struggled to establish a basic livelihood and to integrate into the society. That was often because of challenges with regard to the Korean language, the work culture, the highly competitive economy and the high cost of living.[149] The Committee on the Elimination of Racial Discrimination recommended taking all necessary measures so that refugees and asylum seekers enjoyed the right to work and they and their families enjoyed an adequate livelihood, housing, health care and education.[150]

82. UNHCR stated that humanitarian status holders had more limited work rights than recognized refugees and no access to national health insurance, and that their stay period was renewed for only 6-12 months at a time. It recommended that the Government grant humanitarian status holders an ongoing right to remain in the country rather than repeated

short extensions of stay permits, and ensure that humanitarian status holders' visa documents clearly indicated the right to work.[151]

83. UNHCR recommended establishing a legal and policy framework for the reunification of family members of recognized refugees and humanitarian status holders.[152]

5. Stateless persons

84. UNHCR recommended incorporating the rights and standards recognized in the Convention relating to the Status of Stateless Persons, of 1954, into the national legislation, and establishing a statelessness determination procedure.[153]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Republic of Korea will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/KRIndex.aspx.
[2] For the relevant recommendations, see A/HRC/22/10, paras. 124.1-124.10, 124.15, 124.35 and 124.43.
[3] See A/HRC/25/55/Add.1, para. 107 (a). See also A/HRC/29/46/Add.1, para. 67; and A/HRC/32/36/Add.2, para. 94 (c).
[4] See A/HRC/33/41/Add.1, para. 106 (m).
[5] See CAT/C/KOR/CO/3-5, para. 44.
[6] See CRPD/C/KOR/CO/1, para. 10.
[7] See CCPR/C/KOR/CO/4, para. 23, and CAT/C/KOR/CO/3-5, para. 30.
[8] See CERD/C/KOR/CO/15-16, paras. 11 and 19; A/HRC/25/55/Add.1, para. 107 (a); A/HRC/29/46/Add.1, para. 67 (a); and A/HRC/35/32/Add.1, para. 75.
[9] See CERD/C/KOR/CO/15-16, paras. 16 and 19; and A/HRC/29/46/Add.1, para. 67 (c).
[10] See A/HRC/29/46/Add.1, para. 67 (b).
[11] See A/HRC/25/55/Add.1, para. 107 (a); and A/HRC/29/46/Add.1, para. 67 (b).
[12] Ibid.
[13] See A/HRC/29/46/Add.1, para. 67 (b).
[14] Ibid.
[15] Ibid.
[16] Ibid.
[17] See the UNHCR submission for the universal periodic review of the Republic of Korea, p. 5.
[18] For the full text of the recommendation, see A/HRC/22/10, para. 124.8 (Iraq).
[19] See the UNESCO submission for the universal periodic review of the Republic of Korea, para. 15 and p. 5.
[20] See A/HRC/32/36/Add.2, para. 94 (c).
[21] See CCPR/C/KOR/CO/4, para. 7.
[22] See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[23] *OHCHR Report 2015*, pp. 22, 23, and 56 and 57.
[24] OHCHR, "Funding", in *OHCHR Report 2016*, pp. 79, 83 and 114-116; *OHCHR Report 2015*, pp. 61, 67 and 109; *OHCHR Report 2014*, pp. 63, 67, 69 and 112; *OHCHR Report 2013*, pp. 131, 135, 137 and 178; and *OHCHR Report 2012*, pp. 117, 121, 123 and 163.
[25] For the relevant recommendation, see A/HRC/22/10, para. 124.14.
[26] See CAT/C/KOR/CO/3-5, para. 5 (a).
[27] See CCPR/C/KOR/CO/4, para. 9. See also A/HRC/25/55/Add.1, para. 107 (i); A/HRC/32/36/Add.2, p. 21; and A/HRC/29/46/Add.1, para. 68.
[28] See CAT/C/KOR/CO/3-5, para. 44.
[29] See A/HRC/35/32/Add.1, para. 79.
[30] For the relevant recommendations, see A/HRC/22/10, paras. 124.21-124.24, 124.30-124.31, 124.33-124.34, 124.65 and 124.67.
[31] See CCPR/C/KOR/CO/4, paras. 12-13. See also CERD/C/KOR/CO/15-16, para. 18.
[32] See CERD/C/KOR/CO/15-16, para. 8; and A/HRC/29/46/Add.1, para. 67 (d).
[33] See A/HRC/29/46/Add.1, para. 67 (e).
[34] See CERD/C/KOR/CO/15-16, paras. 6 and 8.
[35] Ibid., para. 10.
[36] See A/HRC/29/46/Add.1, para. 76. See also para. 78, and CERD/C/86/D/51/2012, para. 9.
[37] See CERD/C/KOR/CO/15-16, para. 17. See also A/HRC/29/46/Add.1, paras. 28, 48 and 49.
[38] See A/HRC/29/46/Add.1, para. 74.
[39] See CERD/C/86/D/51/2012, para. 7.4.
[40] For the full text of the recommendation, see A/HRC/22/10, para. 124.29 (South Africa, Norway,

France, Ireland, Italy, Mexico, Romania, Switzerland and Canada).
[41] See UNHCR submission, p. 2.
[42] See CCPR/C/KOR/CO/4, para. 56-57; and CERD/C/KOR/CO/15-16, para. 13.
[43] Ibid., paras. 14-15.
[44] For the relevant recommendation, see A/HRC/22/10, para. 124.70.
[45] See A/HRC/25/55/Add.1, para. 107 (m).
[46] See A/HRC/33/41/Add.1, paras. 106 (d) and (l).
[47] See A/HRC/35/32/Add.1, paras. 61-66.
[48] Ibid.
[49] See A/HRC/33/41/Add. 1, paras. 106 (c) and 108; A/HRC/25/55/Add.1, para. 110; and A/HRC/32/36/Add.2, p. 21.
[50] See CCPR/C/KOR/CO/4, paras. 20-21.
[51] For the relevant recommendations, see A/HRC/22/10, paras. 124.13, 124.35, 124.37 and 124.55.
[52] See CCPR/C/KOR/CO/4, para. 27.
[53] See CAT/C/KOR/CO/3-5, para. 30.
[54] Ibid., para. 27.
[55] Ibid., para. 7.
[56] See CCPR/C/KOR/CO/4, para. 27.
[57] See CAT/C/KOR/CO/3-5, para. 10.
[58] Ibid., para. 15.
[59] Ibid., para. 17.
[60] Ibid., para. 18.
[61] See CCPR/C/KOR/CO/4, paras. 36-37.
[62] See CAT/C/KOR/CO/3-5, para. 35.
[63] See CCPR/C/KOR/CO/4, para. 31.
[64] See CAT/C/KOR/CO/3-5, para. 36.
[65] For the relevant recommendations, see A/HRC/22/10, para. 124.37.
[66] See CAT/C/KOR/CO/3-5, para. 12. See also CCPR/C/KOR/CO/4, para. 33.
[67] See CCPR/C/KOR/CO/4, paras. 34-35.
[68] See CAT/C/KOR/CO/3-5, para. 22.
[69] Ibid., para. 22.
[70] See CCPR/C/KOR/CO/4, para. 35. See also CAT/C/KOR/CO/3-5, para. 23.
[71] See CAT/C/KOR/CO/3-5, para. 22.
[72] See CCPR/C/KOR/CO/4, para. 26.
[73] See CAT/C/KOR/CO/3-5, para. 20. See also CCPR/C/KOR/CO/4, para. 27.
[74] For the relevant recommendations, see A/HRC/22/10, paras. 124.36, 124.50-124.54 and 124.56-124.57.
[75] See CCPR/C/KOR/CO/4, paras. 44-45.
[76] Ibid., para. 46. See also UNESCO submission, para. 6.
[77] See A/HRC/25/55/Add.1, paras. 25 and 107 (c). See also CCPR/C/KOR/CO/4, para. 47; and UNESCO submission, para. 19.
[78] See UNESCO submission, para. 8.
[79] See CCPR/C/KOR/CO/4, para. 48. See also A/HRC/25/55/Add.1, paras. 28-34; and CAT/C/KOR/CO/3-5, para. 15.
[80] See A/HRC/25/55/Add.1, para. 107 (d). See also CCPR/C/KOR/CO/4, para. 49; and A/HRC/32/36/Add.2, p. 21.
[81] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3257318:NO.
[82] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3257311:NO.
[83] See A/HRC/32/36/Add.2, para. 80. See also CCPR/C/KOR/CO/4, para. 50.
[84] Ibid., paras. 96 (a) and (d).
[85] See CCPR/C/KOR/CO/4, para. 52.
[86] See A/HRC/32/36/Add.2, paras. 19-20, 26, 28-29, 31, 33, 35, 39 and 42; and A/HRC/25/55/Add.1, paras. 39-44.
[87] See CAT/C/KOR/CO/3-5, para. 13.
[88] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20603&LangID=E. See also A/HRC/32/36/Add.2, para. 33.
[89] See A/HRC/32/36/Add.2, para. 93. See also A/HRC/25/55/Add.1, para. 107 (g).
[90] See A/HRC/32/36/Add.2, para. 95; and CAT/C/KOR/CO/3-5, para. 13.
[91] See A/HRC/25/55/Add.1, para. 107 (k).
[92] For the relevant recommendations, see A/HRC/22/10, paras. 124.42-124.43.
[93] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17209&LangID=E.
[94] See CAT/C/KOR/CO/3-5, para. 47.

[95] Ibid., para. 48.
[96] See CCPR/C/KOR/CO/4, paras. 40-41. See also CERD/C/KOR/CO/15-16, para. 16.
[97] See CCPR/C/KOR/CO/4, para. 42.
[98] OHCHR, "Torn apart: the human rights dimension of the involuntary separation of Korean families", para. 21.
[99] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20992&LangID=E.
[100] OHCHR, "Torn apart", para. 21.
[101] See A/HRC/35/32/Add.1, para. 45.
[102] Ibid., para. 42.
[103] See A/HRC/33/41/Add.1, para. 50.
[104] See A/HRC/25/55/Add.1, paras. 49 and 69-70. See also A/HRC/32/36/Add.2, paras. 70-72; and A/HRC/35/32/Add.1, para. 43.
[105] See CERD/C/KOR/CO/15-16, para. 11. See also A/HRC/29/46/Add.1, para. 35.
[106] See A/HRC/32/36/Add.2, paras. 57 and 70. See also CCPR/C/KOR/CO/4, para. 54.
[107] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3185098:NO.
[108] See A/HRC/25/55/Add.1, para. 107 (j). See also A/HRC/32/36/Add.2, p. 20.
[109] For the relevant recommendations, see A/HRC/22/10, paras. 124.25-124.27, 124.31-124.32, 124.39-124.40 and 124.48.
[110] See CCPR/C/KOR/CO/4, para. 16. See also A/HRC/35/32/Add.1, paras. 46 and 48, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3149500:NO.
[111] See A/HRC/35/32/Add.1, para. 46.
[112] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3257318:NO.
[113] See CAT/C/KOR/CO/3-5, para. 37. See also CCPR/C/KOR/CO/4, para. 18.
[114] See CERD/C/KOR/CO/15-16, para. 15.
[115] See CCPR/C/KOR/CO/4, para. 19.
[116] See CERD/C/KOR/CO/15-16, para. 15.
[117] See A/HRC/29/46/Add.1, para. 73.
[118] See CERD/C/KOR/CO/15-16, para. 14.
[119] See A/HRC/29/46/Add.1, para. 72.
[120] For the relevant recommendation, see A/HRC/22/10, para. 124.38.
[121] See CAT/C/KOR/CO/3-5, para. 33.
[122] See CRPD/C/KOR/CO/1, para. 9.
[123] Ibid., para. 29.
[124] Ibid., para. 30.
[125] Ibid., para. 32.
[126] Ibid., para. 33-34.
[127] See CCPR/C/KOR/CO/4, para. 29. See also CRPD/C/KOR/CO/1, para. 25; and CAT/C/KOR/CO/3-5, para. 31.
[128] See CRPD/C/KOR/CO/1, paras. 21-22.
[129] Ibid., para. 28.
[130] Ibid., para. 38.
[131] Ibid., para. 40.
[132] Ibid., para. 53.
[133] See CRPD/C/KOR/CO/1, para. 45. See also UNESCO submission, p. 6.
[134] See CRPD/C/KOR/CO/1, paras. 17-18.
[135] Ibid., para. 55.
[136] Ibid., para. 41.
[137] For the relevant recommendations, see A/HRC/22/10, paras. 124.31 and 124.64-124.69.
[138] See A/HRC/29/46/Add.1, para. 32. See also A/HRC/35/32/Add.1, para. 44.
[139] See CERD/C/KOR/CO/15-16, para. 11; and A/HRC/29/46/Add.1, para. 69.
[140] Ibid., para. 12.
[141] See CAT/C/KOR/CO/3-5, para. 40.
[142] See CERD/C/KOR/CO/15-16, para. 11. See also CCPR/C/KOR/CO/4, para. 41.
[143] See UNHCR submission, p. 1. See also CAT/C/KOR/CO/3-5, para. 41.
[144] See UNHCR submission, pp. 2-3.
[145] See CAT/C/KOR/CO/3-5, para. 42.
[146] See UNHCR submission, p. 3.
[147] See A/HRC/29/46/Add.1, para. 79.
[148] See UNHCR submission, p. 3. See also CAT/C/KOR/CO/3-5, para. 42.
[149] See UNHCR submission, p. 1.
[150] See CERD/C/KOR/CO/15-16, para. 13.
[151] See UNHCR submission, pp. 1 and 4.

[152] Ibid., p. 4.
[153] Ibid., p. 5.

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Summary of Stakeholders' submissions on the Republic of Korea*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 16 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Human Rights Commission of Korea (NHRCK) recommended that the authorities make efforts to accede to human rights treaties and their optional protocols that have not yet been ratified, and to withdraw reservations to the core human rights treaties.[2]

3. NHRCK noted that the Government revised the second National Action Plan on Human Rights for 2012-2016 to incorporate the recommendations from the 2nd universal periodic review (UPR). It reported, however, that the action plan has not been fully implemented.[3]

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4. NHRCK recommended adopting a separate national action plan on business and human rights.[4]

5. Noting a UPR recommendation on racism and xenophobia[5], NHRCK stated that the authorities failed to make sufficient efforts to improve legislative and institutional framework to address hate speech. It recommended adopting a comprehensive anti-discrimination law which prohibits all the grounds of discrimination covered by the international human rights instruments.[6]

6. NHRCK recommended that the authorities draw up measures to step up sanctions on perpetrators of sex crimes against children or minors, and take comprehensive actions to tackle sexual harassment through social network services and other online platforms, and sexual violence among students in schools.[7]

7. While noting efforts of the Government to improve the human rights protection in the armed forces, NHRCK stated that cases of verbal violence, abuse and violations of the right to health and to life had still been reported. It was necessary to establish a military ombudsman within the Commission.[8]

8. NHRCK recommended introducing alternatives to military service for the consciences objectors.[9]

9. NHRCK reported on the under-representation of women in the labour market. Women often had to take up low paid non regular jobs. Balancing work and family life remained difficult largely due to the lack of decent public day care facilities and the low use of paternity leaves.[10] The Government has made some efforts to increase employment rates of women and younger people, but those efforts had limited effect in the last three years.[11]

10. NHRCK noted with appreciation that the Government has made some efforts to improve legal and institutional framework to promote human rights of persons with disabilities. However, it was concerned that there was still a room for improvement in raising public awareness about them and that many persons with mental disabilities were mostly involuntarily hospitalized for medical treatment, instead of being provided with community care. It recommended that the Government shift the focus of its policy and take measures to help persons with disabilities return to social life and promote their deinstitutionalization.[12]

11. The amount of benefits of the basic pension scheme for older persons was not enough to cover their living costs.[13]

12. The Government has taken policy measures to protect the rights of migrants. However, most of these actions were focused on registered foreigners, including migrant workers arriving to the country under the Employment Permit System (EPS) and marriage migrants, leaving unregistered migrants and their children in very vulnerable conditions. In addition, the system restricted employees' freedom to change their work places. Female migrants holding E-6 visas (arts and entertainment) were reportedly facing high risk of being exposed to sexual exploitation.[14]

III. Information provided by other stakeholders

A. Scope of international obligations[15] and cooperation with international human rights mechanisms and bodies[16]

13. Joint Submission (JS) 1 stated that the Government should present an implementation plan on the ratification of ICPPED,[17] ICRMW, ICCPR-OP2,[18] OP-ICESCR, OP-CAT, OP-CRPD and CRC-OP-IC.[19]

14. Amnesty International (AI) recommended ratifying and implementing the International Labour Organisation conventions no. 29 on Forced or Compulsory Labour, no. 87 on Freedom of Association and Protection of the Right to Organise, no. 98 on Right to Organise and Collective Bargaining, and no. 105 on Abolition of Forced Labour.[20] Additionally, JS3 recommended ratifying International Labour Organisation Convention no 189 concerning decent work for domestic workers.[21]

15. Center for Global Nonkilling (CGNK) recommended ratification of the Protocol III additional to the Geneva Conventions.[22]

16. It was recommended that the authorities withdraw the reservation to Article 22 of ICCPR[23] and the reservation to CRPD.[24]

17. JS1 stated that decisions of the United Nations treaty bodies on the individual complaints had not been fully implemented under the excuse of discrepancy with the national legislation.[25]

B. National human rights framework[26]

18. AI welcomed the efforts of the Government to incorporate accepted recommendations from the universal periodic review into its second National Action Plan on Human Rights, which was adopted in 2012.[27]

19. JS1 stated that the progress of the development of a new national action plan on human rights for 2017 to 2021 remained unclear as of March 2017. The Government should guarantee the participation of civil society organisations in the development of the plan and make the process transparent.[28]

20. JS1 reported that although National Human Rights Commission of Korea (NHRCK) maintained its A-status in 2016, the Sub-Committee on Accreditation of Global Alliance of National Human Rights Institutions reiterated its recommendation to make vacancy announcement and to establish an independent body for the selection of commissioners of NHRCK. JS1 stated that although an amendment to the National Human Rights Commission Act was made in 2016, it did not stipulate the establishment of an independent selection and appointment committee, the development of transparent selection criteria, and the guarantee of full participation by and consultation with civil society.[29] AI stated that procedures of selection, appointment, removal and terms of tenure of members of the Commission should be clearly specified and done through a transparent process in line with the Paris Principles.[30]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[31]

21. JS1 stated that the Government should enact a comprehensive anti-discrimination act that prohibits all forms of discrimination, including race, gender, sexual orientation, and gender identity through discussions with civil society and key stakeholders.[32]

22. JS1 stated that racial discrimination and hate speech against foreigners have been widespread.[33]

23. JS2 stated that the Government has refused to register births of children of foreign nationals. The parents might register the birth of their child through the embassies of their

countries. However, refugees were often reluctant to approach the embassies to register the birth of their child.[34] CGNK encouraged the Government to establish a comprehensive birth registration system.[35]

24. Human Rights Watch (HRW) recommended adopting regulations and policies that provide parental leave for both women and men and eliminate discriminatory provisions in law and policy that disadvantage a single parent, or parents who are not officially married, and their children.[36]

25. Kaleidoscope noted an increase in the number of people living with HIV and stated that persons with HIV/AIDS continued to suffer from societal discrimination and social stigma.[37] JS5 reported on discrimination against and refusal to provide medical treatment to persons living with HIV/AIDS by the medical professionals.[38]

26. HRW stated that foreigners who wanted to apply for a visa for an extended stay in the country were required to prove that they were HIV negative. It recommended eliminating all aspects of discriminatory travel restrictions against persons with HIV/AIDS.[39]

27. JS1 and JS5 stated that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons were subject to discrimination and stigmatization in public and private spheres.[40] JS5 reported on incidents of hate crimes against them. LGBTI adolescents remained a vulnerable group, at the risk of being exposed to hate speech and bullying and of terminating their studies. JS5 concluded that the authorities failed to provide equal protection to LGBTI persons.[41]

28. AI reported that the Military Criminal Act continued to punish consensual sexual activity between people of the same sex in the military. Gay men faced considerable difficulties in fulfilling their military obligations free from violence, bullying or verbal abuse.[42] JS1, JS5 and Kaleidoscope made similar observations.[43]

29. AI reported that civil society LGBTI groups continued to face discrimination, including at the hands of authorities. In 2015, the Beyond the Rainbow Foundation was refused registration, and the Seoul Metropolitan Police refused to grant a permit to the Pride Parade. The ban was only overturned when the organizers filed a petition to the court.[44] JS1and JS5 made similar observations.[45]

30. Kaleidoscope Australia Human Rights Foundation (Kaleidoscope) stated that the Republic of Korea did not recognise marriage between same-sex couples. The legislation did not specifically state that marriage was between a man and a woman, but all rights and duties in the legislation described marriage as between a husband and wife.[46] JS5 made similar observations.[47]

31. Kaleidoscope stated that LGBTI persons faced discrimination in the context of adoption as they were effectively prohibited from adopting children under the age of 15.[48]

32. JS1 stated that the Government should officially state that it does not tolerate any form of social stigmatization and discrimination, including violence against persons based on their sexual orientation or gender identity and develop and carry out public campaigns and training to public officials to promote sensitivity and respect for diversity in respect of sexual orientation and gender identity.[49] AI recommended repealing Article 92(6) of the Military Criminal Act, which prohibits and punishes consensual sexual activity between people of the same sex in the military.[50] It recommended protecting all persons from hate speech and violence, regardless of ethnicity, gender, real or perceived sexual orientation or gender identities.[51]

33. JS5 reported that transgender persons were forced to undergo irreversible surgeries for legal gender recognition.[52] Kaleidoscope reported that the requirements to be eligible for

gender affirmation surgery were complex, discriminatory and restrictive. It recommended that the Government does not impose a requirement that gender affirmation surgery be performed to legally change gender and should remove the stringent requirements regarding marriage and parental status as requirements to undergo gender affirmation surgery.[53]

Development, the environment, and business and human rights

34. JS3 stated that the Government should introduce a national action plan for an effective implementation of the United Nations Guiding Principle on Business and Human Rights and should adopt a plan to hold chaebols (family-based conglomerates) responsible for decent wage and working conditions, labour rights, effective protection and adequate compensation for industrial accident.[54]

2. Civil and Political Right:

Right to life, liberty and security of person[55]

35. JS1 stated that the death penalty had not been carried out since 1997. However, the sentences of the capital punishment continued to be imposed.[56] AI recommended commuting without delay all death sentences to terms of imprisonment and accelerating the procedures leading to the full abolition of the death penalty in law.[57]

36. JS1 reported on cases of death of soldiers in the military due to unidentified causes or suicide. It stated that the Government should introduce an independent military ombudsman with the authority to make visits without prior notice and to access to relevant information.[58]

37. JS1 stated that national laws did not have a clear definition of torture or other cruel, inhuman or degrading treatment and that the prosecution rate was reportedly low.[59]

38. JS1 stated that the 2013 plan against domestic violence considered domestic violence as a private issue of persons involved, which does not require social intervention. The focus of the plan was to maintain a normal family life. The prosecution rate of domestic violence cases remained low. It stated that domestic violence was not properly punished and victims were exposed to continued threats. The Government should amend the legislation, which did not ensure punishment of domestic violence perpetrators, and improve the victim support system.[60]

Administration of justice, including impunity and the rule of law[61]

39. AI recommended ensuring that laws and regulations governing the use of force by law enforcement officials are in line with international standard and that law enforcement officials responsible for unnecessary or excessive use of force, as well as their superior officer(s), are brought to justice without delay.[62]

40. AI reported that there was no specialised body dealing with complaints against the police.[63]

Fundamental freedoms[64]

41. International Fellowship of Reconciliation (IFOR) noted with concern the non-recognition of the right of conscientious objection to military service.[65] AI reported that the refusal of military service carried a criminal penalty of up to three years of imprisonment.[66] IFOR noted with concern the routine imprisonment of the large numbers of conscientious objectors and repeated punishment of those who refused the call-up to reserve service on grounds of conscience. There was theoretically no restriction on the cumulative length of sentences for refusing reserve service.[67] European Association of Jehovah's Christian

Witnesses (EAJCW)[47] and AI[48] made similar observations. AI stated that many government-linked organizations would not employ conscientious objectors with a criminal record, and that major private companies often required applicants to provide details of their military service during the recruitment process.[49]

42. AI recommended inter alia bringing the legislation into line with international human rights law and standards so it provides for the recognition of conscientious objection and for individuals to register their objection; ensuring that, if conscientious objectors are not entirely exempted from military service, they have the option to perform an appropriate alternative non-punitive service of a genuinely civilian character, under civilian control and of a length comparable to that of military service and releasing all individuals imprisoned solely for exercising their right to refuse to perform military service in the absence of a civilian alternative.[50] EAJCW,[51] IFOR,[52] CGNK,[53] and JS1[54] made similar recommendations.

43. HRW stated that the Government continued to use criminal defamation laws to silence the media and civil society activists expressing views or making reports that go against the Government's views. HRW recommended that the authorities end prosecutions of persons under criminal defamation laws and that the authorities revoke its criminal defamation laws, and instead employ civil defamation and criminal incitement laws.[55] JS1 and World Alliance for Citizen Participation (CIVICUS) made similar observations and recommendations.[56]

44. CIVICUS recommended ensuring that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive; refraining from censoring social and conventional media and ensuring that freedom of expression is safeguarded in all forms.[57]

45. JS1 reported that public officials and school teachers were legally prohibited from expressing their political opinion and affiliating to a political party. The duty of political neutrality was imposed on public officials, teachers and employees in public institutions and cooperatives to maintain impartiality in public services. However, those who were subject to the laws were excessively prohibited from exercising their rights to freedom of expression in their daily lives outside of their duty. JS1 stated that the Government should revise the related laws so that freedom of expression of public officials who are not in senior executive or elected position, teachers, employees in public institutes and cooperatives are fully guaranteed.[58]

46. AI reported that in December 2014, the Constitutional Court ruled to dissolve the United Progressive Party on the basis that the party had violated the "basic democratic order". This was a particularly alarming development, as it is the first time since 1958 that a political party has been disbanded in the Republic of Korea.[59] KCSL made similar observations.[60]

47. HRW explained that the National Security Law (NSL) imposed criminal penalties on anyone who joined or induced others to join an "anti-government organization" and on anyone who constitute or join an organization aimed at propagating, inciting, praising, or acting in agreement with an "anti-government organization". That term was not clearly defined in the law.[61] KCSL noted the recommendations from the universal periodic review[62] to amend the Nation Security Law and stated that the authorities failed to amend the Law.[63]

48. AI stated that detention and prosecution under the National Security Law had been used persistently as a form of censorship to intimidate and imprison people exercising their rights to freedom of expression and association.[64] CIVICUS, JS1 and KCSL made similar observations.[65]

49. AI recommended abolishing or fundamentally amending the National Security Law so that it conforms to international human rights law and standards.[87] In particular, HRW recommended inter alia that the definition of "anti-state organization" in article 2 should be amended to include only groups that advocate the violent overthrow of the government and that Article 7 should be abolished in its entirety as it uses undefined and broad terms to refer to outlawed acts such as praising, spreading or joining an "anti-state organization," and circulating "false facts" that "threaten confusion of the social order."[88]

50. CIVICUS stated that the Civil Act required associations and foundations seeking legal personality to receive explicit approval from relevant authorities and that the authorities could deny legal personality to an association or foundation if it was deemed to have operations outside its stated objectives. It reported that on several occasions the authorities had invoked the Civil Act to sanction and/or silence independent or outspoken civil society groups.[89]

51. Furthermore, CIVICUS reported that the Act on Collections and Use of Donations imposed arbitrary and debilitating limitations on access to funding for civil society groups. Under the Act, civil society groups must register all resource mobilisation activities for amounts over 10 million won (approx. 8,340 USD). Those organisations that raised more than 10 million won without prior registration could be considered in violation of the Act and subject to sanctions. CIVICUS stated that the authorities have frequently rejected applications for registrations under the Act.[90]

52. AI stated that a cumbersome notification process, the absence of a legal provision allowing spontaneous and urgent assemblies, the wide range of options for authorities to ban assemblies or impose far reaching restrictions on them, were all elements in the Assembly and Demonstration Act, which placed an undue burden on the organizers and restricted the right to peaceful assembly.[91]

53. CIVICUS noted the increasingly hostile approach of the authorities to mass demonstrations and reported that the authorities have orchestrated a systemic crackdown on human rights defenders, civil society activists and union representatives to prevent them participating in and organising public demonstrations. It was concerned by the use of excessive force by security forces to disperse peaceful demonstrations.[92] AI stated that a number of incidents involving reports of unnecessary or excessive use of force by the police had raised concerns over police accountability. Farmer-activist Baek Nam-gi was injured and later died when the police used water cannons during a large anti-government protest on 14 November 2015.[93]

54. AI recommended guaranteeing the full enjoyment of the right to freedom of peaceful assembly; initiating a comprehensive review of the Assembly and Demonstration Act and of current regulations regarding the use of water cannons during policing of demonstrations to bring it in line with the international human rights law and standards.[94]

55. Additionally, CIVICUS called on the Government to create and maintain, in law and in practice, an enabling environment for civil society and recommended ensuring that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or harassment and conducting impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bringing perpetrators of such offences to justice.[95]

Prohibition of all forms of slavery[96]

56. AI stated that the definition of human trafficking was not consistent with international law.[97] JS2 reported that law enforcement officers often failed to identify victims of human trafficking and trafficking victims who were trafficked for labour and sexual exploitation could not receive a proper protection.[98]

Right to privacy

57. JS1 stated that investigative and intelligence agencies could obtain personal information of subscribers from telecommunication companies without a warrant issued by a court under the Telecommunication Business Act. The authorities should amend the Act to ensure that the subscribers' information might be issued with a warrant only.[99]

3. Economic, Social and Cultural Rights

58. JS4 stated that in the past few years, the authorities had acted repeatedly to close down the activities of certain unions, repress rallies, ban strikes, and to arrest and prosecute key trade union organisers and activists. It noted with concern the arrest and prosecution of many trade unionists and reported on cases of leaders of the Federation of Korean Trade Unions (FKTU) and the Korean Confederation of Trade Unions (KCTU) receiving prison terms for their involvement in public demonstration, as well as of several union leaders and members who had been arrested in purely industrial cases.[100]

59. JS4 noted with concern the refusal to register and attempts to de-register unions – notably the Korean Teachers and Education Workers Union (KTU) and the Korean Government Employee's Union (KGEU). Korean Government Employees Union had been attempting to register as a trade union for more than a decade, but had been repeatedly denied. The authorities claimed that the union had violated Korean law requiring civil servants to remain politically neutral. JS4 reported that the Migrants Trade Union first applied for legal recognition in 2005, and won a High Court ruling two years later. However, the Ministry of Labour refused to register it. In 2015, following a ten-year legal struggle, the Supreme Court ultimately did rule in favour of the Migrants Trade Union.[101] APMM stated that leaders of the Migrant Trade Union had reportedly been threatened with deportation and tailed by immigration police.[102]

60. JS4 noted with concern a series of raids of trade union premises and reported on raids carried out in the offices of KGEU and KCTU in 2013, KTU in 2014, the Korean Public Service and Transport Workers' Union (KPTU) in 2015.[103]

61. JS3 stated that the legislation defined a justifiable strike in a narrow sense and it was almost impossible for workers to stage a legitimate strike in a way they could put substantial pressure on their employer. Most strikes regarded illegal and once a strike was declared illegal, those who called the strike or joined the strike faced disciplinary measures including dismissal, criminal sanctions under the Criminal Act (Obstruction of Business) and damaged lawsuit and provisional seizure of the asset.[104] JS4 made similar observations and expressed concern about the criminalisation of strikes and other trade union activities and excessive damages claims against workers.[105]

62. JS4 reported that the right to strike was entirely negated for teachers and public officials by the legislation, that criminalised industrial action by teachers and public officials and their unions. It concluded that the criminalisation of strikes by teachers and public officials was contrary to international standards on freedom of association, and had been criticised by the International Labour Organisation supervisory bodies and by the United Nations Special Rapporteur on freedom of assembly and association.[106] JS3 made similar observations.[107]

63. JS4 stated that the Trade Union and Labour Relations Adjustment Act (TULRAA) purportedly protected trade unionists from civil damages claims, but the protection was narrow and failed to protect trade unionists from damages claims arising from disputes that were clearly within international concepts of freedom of association.[108]

64. JS4 recommended that the authorities make appropriate revisions to the Criminal Code and associated legislation, to ensure that core trade union activities such as strike

action cease to be regarded as criminal and introduce effective legislation to ensure that trade unions are appropriately protected from damages claims in all situations where the action complained of stems entirely or substantially from trade union activities, including strike action. It recommended that the authorities release all trade unionists detained on grounds relating to their participation in trade union activities, cease pending prosecutions against them and ensure that all State agencies, including the police and Ministries cease harassing, raiding and obstructing trade unionists.[109]

Right to work and to just and favorable conditions of work

65. JS4 stated that while the number of workers in the precarious situations exceeded 10 million, measures to protect those workers' rights were inadequate. The average monthly wage for non-regular workers had been about 49 percent of that of regular workers.[110]

Right to social security[111]

66. JS3 stated that the Government reduced the number of recipients of the national basic livelihood security system though there was no change in poverty rate. The number of beneficiaries of living allowances (basic cash benefit for the poor) was 1.25 million as of 2015. While there were about 4.39 million people living in the absolute poverty.[112]

67. JS3 noted that the poverty rate of older persons was 49.6 percent. Yet, the benefit amount of the national pension system was low.[113]

Right to health[114]

68. JS3 stated that the Government should suggest practical measures to strengthen the publicness of health and mitigate the burden of medical bills.[115]

Right to education[116]

69. JS3 stated that the Government should increase the amount of national scholarship fund, eliminate inequality in access to education and take measures to lessen the burden of the tuition fees.[117]

70. JS2 stated that the education on the rights of the child should be included in the regular education curriculum.[118]

71. HRW noted the statement of official of the Ministry of Education made in 2017 that the new national sex education curriculum would not mention homosexuality.[119] JS5[120] and JS1[121] made similar observations.

4. Rights of specific persons or groups

Women[122]

72. JS2 reported on discrimination against women and on the gender wage gap. Additionally, about 53 percent of women employees were in non-regular jobs. It noted the low rate of women in high decision making positions and in the National Assembly.[123]

73. While noting acceptance by the authorities numerous recommendations from the universal periodic report on the protection of women's rights, HRW observed that laws on abortion were punitive and harmful to women. Abortion was considered a crime. Exceptions were permitted only in cases of rape or incest, if the parents could not marry legally, if continuation of the pregnancy was likely to jeopardize the pregnant woman's health, or when the pregnant woman or her spouse has one of several hereditary disorders or communicable diseases. The criminalisation of abortions meant that many abortions were illegally performed.[124]

Children[127]

74. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that the Government accepted two recommendations from universal periodic review[128] to prohibit corporal punishment in all settings during the universal periodic review of 2012. The Children's Rights Ordinance was enacted in Seoul, prohibiting corporal punishment in all settings. However, the prohibition was not extended to other provinces.[129]

Persons with disabilities

75. JS2 stated that the Act on Welfare of Persons with Disabilities did not cover various needs of persons with disabilities or include persons with disabilities who have intellectual and mental impairments.[130]

76. JS2 noted an increase in the number of residential institutions, indicating that the deinstitutionalisation strategy was not effective. There were not enough measures to integrate people with disabilities into the community. The Government provided welfare/social services based on the income of the family rather than the income of the person with disabilities.[131]

Migrants, refugees and asylum seekers[132]

77. AI research indicated that a significant number of migrant workers continued to be at risk of human rights abuses. Many migrant workers, including those in the agricultural sector, were forced to work in conditions to which they did not agree, under the threat of some form of punishment, including dismissal, non-renewal of their visa or threats of violence and they were effectively subjected to forced labour. They also suffered unreasonable limitations to their ability to change jobs, in turn a major cause of for exploitation by their employers. Significant numbers of migrant agricultural workers have been trafficked to the country for exploitation, including forced labour.[133] Similarly, Asia Pacific Mission for Migrants (APMM) reported that migrant workers continued to be regularly exposed to serious exploitation, which included excessive working hours, unpaid overtime, denial of rest days and breaks, threats, violence, trafficking and forced labour.[134] JS2 stated that female migrant workers frequently suffered from sexual harassment and violence.[135]

78. AI recommended allowing greater flexibility in the time frame within which migrant workers have to secure new employment and amending the current Employment Permit System Act to ensure that an application for a visa extension or a renewal is not restricted or refused on the basis that migrant workers have changed jobs.[136] APMM recommended allowing migrant workers to change jobs under Employment Permit System without having to obtain a release form from their previous employer.[137]

79. AI recommended repealing Article 63 of the Labour Standards Act and ensuring that the rights it protects, in particular in respect to working hours, daily breaks and weekly paid rest days, are extended to all workers, including migrant workers.[138]

80. APMM recommended prosecuting employers who evaded the responsibilities of paying the migrants of their severance pay and pension plans and setting up an effective and efficient mechanism to ensure that migrants can receive their severance pay and pension after years of working in the company.[139]

81. APMM noted an increase in marriage migration. Long-term stay in the country and the acquisition of nationality of marriage migrants totally relied on their Korean spouses. There were cases of marriage migrants' application for the citizenship was denied because their Korean spouses or family did not have enough funds or properties required by the

legislation. Marriage migrants of whom many were women found themselves suffering from domestic violence, racial and gender discrimination.[138]

82. APMM stated that the Employment Permit System Act did not solve the problem of undocumented migrants, but rather perpetuated hiring of undocumented migrants by Korean companies to evade compliance on minimum wages, benefits and leaves.[139] JS2 stated that some medical services have been provided for undocumented migrants, but the services were limited to the hospitalization and operation costs. Undocumented migrant children were excluded from Medical Insurance System. While noting high number of undocumented children, JS2 stated that the internal guideline of the Ministry of Justice has suspended the deportation of undocumented migrant children enrolled in schools until the completion of the high school. However, there were more than 100 undocumented migrant children being detained after deportation orders.[140] JS2 reported that crackdown on undocumented migrants has resulted in death or sever injuries.[141]

83. JS2 reported that there were no legal provisions that put limitations on the length of detention and that indefinite detention of asylum-seekers and refugees was possible without a judicial review. Some refugees had been detained in the immigration detention centre for years while waiting for the result of the refugee application.[142] AI recommended ensuring that asylum-seekers are not arbitrarily detained and that detention is used only as a last resort in cases where their detention is necessary and proportionate to a legitimate purpose and putting in place policies and systems that ensure the effective protection of refugees and asylum-seekers and enable them to meet their basic needs in a manner consistent with human rights and human dignity.[143]

84. AI recommended initiating an overhaul of the resettlement support process for arrivals from the neighbouring country, and ensuring that such individuals are detained for the shortest possible period, and that their detention is in line with international law and standards, in particular by giving them prompt access to their family and friends, legal counsel and civil society organizations of their choice during the entire length of their detention and during interrogations.[144]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
APMM	Asia Pacific Mission for Migrants, Hong Kong, China;
CIVICUS	World Alliance for Citizen Participation, Johannesbourg, South Africa;
CGNK	Center for Global Nonkilling, Honolulu, United States of America;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London , United Kingdom of Great Britain and Northern Ireland;
EAJCW	European Association of Jehovah's Christian Witnesses, Kraainem, Belgium;
HRW	Human Rights Watch, New York, United States of America;
IFOR	International Fellowship of Reconciliation, Alkmaar, the Netherlands;

Kaleidoscope	Kaleidoscope Australia Human Rights Foundation, Clayton, Australia;
KCSL	Korean Committee to Save Lawmaker Lee Seok-ki of the Insurrection Conspiracy Case, Seoul, Republic of Korea.
Joint submissions:	
JS1	**Joint submission 1 submitted by:** 77 members of the South Korean NGOs Coalition for the 3rd UPR: Advocates for Public Interest Law (APIL), Catholic Human Rights Committee, Certified Public Labor Attorney's for Labor Human Rights, GongGam Human Rights Law Foundation, Immigrants Advocacy Center GAMDONG, International Child Rights Center, Joint Committee with Migrants in Korea (16 organisations: Asan Foreign Worker's Center, Bucheon Migrant Welfare Center, Chungbuk Migrant Support Center, Global Love and Sharing, Incheon Migrant Worker's Center, Migrant Health Association in Korea We_Friends, Namyangju Migrant Welfare Center, Paju Migrant Worker Center Shalom House, Pocheon Nanum House, Seoul Migrant Workers Center, Solidarity for Asian Human Rights and Culture, The Association Migrant Workers Human Rights, Uijeongbu EXODUS Migrant Center, Women Migrants Human Rights Center of Korea, Yongin Migrant Worker Shelter, Yongsan Nanum House), Korea TransNational Corporations Watch (6 organisations: Advocates for Public Interest Law (APIL), Corporate for All, GongGam Human Rights Law Foundation, Korean Confederation of Trade Unions, Korean House for International Solidarity, Korean Lawyers for Public Interest and Human Rights), Korea Women's Hot Line, Korea Women's Political Solidarity, Korean Confederation of Trade Unions, Korean House for International Solidarity, Korean Lawyers for Public Interest and Human Rights, Korean Progressive Network Jinbonet, Korean Refugee Rights Network (9 organisations: Advocates for Public Interest Law (APIL), GongGam Human Rights Law Foundation, NANCEN (Center for Refugee Rights in South Korea), Save the Children Korea, EcoFemme, Immigrants Advocacy Center GAMDONG, Dongcheon Foundation, MAP Migration to Asia Peace, Human Asia), Korean Women Workers Association, Korean Women's Association United, MINBYUN-Lawyers for a Democratic Society, NHRCK-Watch, Organization Unwed Moms Changing the Future, People's Solidarity for Participatory Democracy, Rainbow Action against Sexual Minority Discrimination (27 organisations: Chingusai – Korean Gay Men's Human Rights Group, Christian Solidarity for a World without Discrimination (Chasegiyeon), Daegu Queer Culture Festival, Daejeon LGBTQ Human Rights Group Solongos, GongGam Human Rights Law Foundation, Gruteogi: 30+ Lesbian Community group, Korea Queer Culture Festival Organizing Committee, Korean Lawyers for Public Interest and Human Rights (KLPH), Korean Sexual-Minority Culture and Rights Center (KSCRC), Labor Party Sexual Politics Committee, Minority Rights Committee of the

Green Party, Lesbian Counseling Center in South Korea, Lesbian Human Rights Group 'Byunnal' of Ewha Womans University, Lezpa : The Korean lesbian community radio group, LGBTQ Youth Crisis Support Center : DDing Dong Network for Global Activism, QUV: Korean LGBTQ University Student Alliance, Rainbow Solidarity for LGBT Human Rights of Daegu, Sexual Minority Committee of the Justice Party, Sinnaneun Center: LGBT Culture, Arts & Human Rights Center, Social and Labor Committee of Jogye Order of Korean Buddhism, Solidarity for HIV/AIDS Human Rights: Nanuri+, Solidarity for LGBT Human Rights of Korea, Pinks: Solidarity for Sexually Minor Cultures & Human Rights, The Korean Society of Law and Policy on Sexual Orientation and Gender Identity, Unni network, Yeohaengja: Gender non-conforming people's community), South Korean NGOs Coalition for Law Enforcement Watch (6 organisations: Catholic Human Rights Committee, Dasan Human Rights Center, Democratic Legal Studies Association, Human Rights Movement Space 'Hwal', Korean Lawyers for Public Interest and Human Rights, Sarangbang Group for Human Rights), Supporters Health And Right of People in Semiconductor Industry, World Without War (Republic of Korea).

JS2 **Joint submission 2 submitted by:** 77 members of the South Korean NGOs Coalition for the 3rd UPR;

JS3 **Joint submission 3 submitted by:** 77 members of the South Korean NGOs Coalition for the 3rd UPR;

JS4 **Joint submission 4 submitted by:** International Trade Union Confederation (ITUC) Brussels, Belgium and the International Centre for Trade Union Rights (ICTUR) London, United Kingdom of Great Britain and Northern Ireland;

JS5 **Joint submission 5 submitted by:** the Rainbow Action against Sexual Minority Discrimination, a coalition of 27 NGOs, Republic of Korea.

National human rights institution:

NHRCK National Human Rights Commission of Korea *, Seoul, Republic of Korea.

[2] NHRCK, para. 9.
[3] NHRCK, para. 3.
[4] NHRCK, para. 31.
[5] For the full text of the recommendation see A/HRC/22/10, para. 124.30 (Cuba).
[6] NHRCK, paras. 10 and 25.
[7] NHRCK, para. 20.
[8] NHRCK, paras. 28 and 29.
[9] NHRCK, para. 10.
[10] NHRCK, para. 11.
[11] NHRCK, para. 19.
[12] NHRCK, para. 21.
[13] NHRCK, para. 11.
[14] NHRCK, para. 26.
[15] The following abbreviations are used in UPR documents:

OP-ICESCR Optional Protocol to International Covenant on Economic, Social and Cultural Rights;

ICCPR-OP 2	Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
OP-CAT	Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CRC-IC	Optional Protocol to Convention on the Rights of the Child on a communications procedure ;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[16] For relevant recommendations see A/HRC/22/10, paras. 124.1 - 124. 7, 124.10-124.11 and 124.35.
[17] See also CGNK, para. 2.
[18] See also AI, p. 6 and CGNK, p. 4.
[19] JS1, para. 2.
[20] AI, p. 7. See also JS1, para. 2 and JS4, p. 6.
[21] JS3, para. 2.
[22] CGNK, p. 12.
[23] JS4, para. 6. See also JS1, para. 2.
[24] JS2, para. 2.
[25] JS1, para. 2.
[26] For relevant recommendations see A/HRC/22/10, paras. 124.14 and 124.15.
[27] AI, p. 1.
[28] JS1, para. 4.
[29] JS1, para. 3.
[30] AI, pp. 2-5. See also JS1, para. 3.
[31] For relevant recommendations see A/HRC/22/10, paras. 124. 22, 124.23, 124.24, 124. 29, 124.30, 124.33, 124.34, 124.47.
[32] JS1, para. 5. See also JS2, para. 13, JS5, paras. 2 and 11, Kaleidoscope, para. 3.5 and AI, p. 6.
[33] JS1, para. 7.
[34] JS2, para. 10.
[35] CGNK, p. 4.
[36] HRW, p. 5.
[37] Kaleidoscope, paras. 3.8-3.9.
[38] JS5, paras. 35-38.
[39] HRW, pp. 5 and 7.
[40] JS1, para. 6 and JS5, para. 2.
[41] JS5, paras. 5, 7-9, and 22.
[42] AI, p. 4.
[43] JS1, para. 6, JS5, paras. 3, 10 and 11, andl Kaleidoscope, paras. 5.1-5.3.
[44] AI, p. 4.
[45] JS1, para. 6 and JS5, paras. 3, 14 and 15.
[46] Kaleidoscope, paras. 5.6-5.7.
[47] JS5, paras. 31-34.
[48] Kaleidoscope, para. 5.4.
[49] JS1, para. 6.
[50] AI, p. 6. See also Kaleidoscope, p. 6 and JS5, para. 11.
[51] AI, p. 6.
[52] JS5, para. 4. See also paras. 26 and 27.
[53] Kaleidoscope, pp. 8-9. See also JS5, p. 18.
[54] JS3, para. 5.
[55] For relevant recommendations see A/HRC/22/10, paras. 124.13, 124.35 and 124. 37.
[56] JS1, para. 8. See also AI, pp. 1 and 5.
[57] AI, p. 6. See also JS1, para. 8.

[58] JS1, para. 10.
[59] JS1, para. 9.
[60] JS1, para. 11.
[61] For relevant recommendations see A/HRC/22/10, para. 124.36.
[62] AI, p. 6. See also JS1, para. 16, CIVICUS, p. 11 and CGNK, p. 4.
[63] AI, p. 2.
[64] For relevant recommendations see A/HRC/22/10, paras. 124.50, 124.51, 124.52, 124.53, 124. 54, 124.56, 124.57.
[65] IFOR, p. 1.
[66] AI, p. 3.
[67] IFOR, pp. 1 and 4. See also JS1, para. 20.
[68] EAJCW, paras. 4, 6 and 9.
[69] AI, p. 3.
[70] AI, p. 3.
[71] AI, p. 6.
[72] EAJCW, para. 22.
[73] IFOR, p. 6.
[74] CGNK, p. 6.
[75] JS1, para. 20.
[76] HRW, pp. 3-4.
[77] JS1, para. 17, and CIVICUS, pp. 6 and 10.
[78] CIVICUS, p. 10.
[79] JS1, para. 18.
[80] AI, p. 3.
[81] KCSL, para. 9.
[82] HRW, p. 1. See also CIVICUS, p. 6.
[83] For the full text of the recommendations see A/HRC/22/10, para. 124.57 (Germany, Norway, Spain and United Stated of America).
[84] KCSL, paras. 1 and 3.
[85] AI, p. 3.
[86] CIVICUS, p. 6, JS1, para. 21 and KCSL, paras. 2 and 4.
[87] AI, p. 6. See also CIVICUS, p. 10, and KCSL, para. 12.
[88] HRW, p. 2.
[89] CIVICUS, p. 3.
[90] CIVICUS, p. 4.
[91] AI, p. 3. See also JS1, para. 16.
[92] CIVICUS, pp. 2, 4 and 6.
[93] AI, p. 2. See also JS1, para. 16.
[94] AI, p. 6. See also CIVICUS, pp. 10-11 and JS1, para. 16.
[95] CIVICUS, pp. 8- 9.
[96] For relevant recommendations see A/HRC/22/10, paras. 124.42.
[97] AI, p. 5. See also JS2, para. 6.
[98] JS2, para. 6.
[99] JS1, para. 13.
[100] JS4, pp. 2-4.
[101] JS4, pp. 2 and 4. See also JS3, p. 3 and APMM, paras 13, 14 and 18.
[102] APMM, para. 14.
[103] JS4, pp. 2 and 4.
[104] JS3, para. 3.
[105] JS4, pp. 2 and 4.
[106] JS4, p. 5.
[107] JS4, p. 5.
[108] JS4, p. 5.
[109] JS4, p. 5.
[110] JS3, para. 4.
[111] For relevant recommendations see A/HRC/22/10, para. 124.59 – 124.60.

[112] JS3, para. 7.
[113] JS3, para. 11.
[114] For relevant recommendations see A/HRC/22/10, para. 124.60 and 124.62.
[115] JS3, para. 8.
[116] For relevant recommendations see A/HRC/22/10, para. 124.60 and 124.63.
[117] JS3, para. 10.
[118] JS2, para. 8.
[119] HRW, p. 7.
[120] JS5, para. 23.
[121] JS1, para. 6.
[122] For relevant recommendations see A/HRC/22/10, paras. 124.26 – 124.28 and 124.48.
[123] JS2, paras.13 and 15.
[124] HRW, p. 4.
[125] For relevant recommendations see A/HRC/22/10, para. 124.38.
[126] For the full text of the recommendations see A/HRC/22/10, para. 124.38 (Palestine and Hungary).
[127] GIEACPC, para. 1.2. See also JS2, para. 11.
[128] JS2, para. 2.
[129] JS2, para. 2.
[130] For relevant recommendations see A/HRC/22/10, paras. 124.64 – 124.68, and 124.31.
[131] AI, pp. 4-5. See also APMM, para. 11.
[132] APMM, para. 12.
[133] JS2, para. 3.
[134] AI, p. 7.
[135] APMM, para. 24.
[136] AI, p. 7. See also APMM, para. 26.
[137] APMM, para. 27.
[138] APMM, paras. 3, 19, 20 and 21.
[139] APMM, para. 15.
[140] JS2, para. 4.
[141] JS2, para. 4.
[142] JS2, para. 5. See also AI, p. 4.
[143] AI, pp 6-7.
[144] AI, pp 6-7.